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# PRELIMINARY DRAFT

## No. 3458

PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2007 GENERAL ASSEMBLY

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### DIGEST

**Citations Affected:** Numerous sections of the Indiana Code.

**Synopsis:** Technical corrections. Second draft proposed for inclusion in the 2007 technical corrections bill.

**Effective:** Upon passage.



A BILL FOR AN ACT to amend the Indiana Code concerning technical corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 4-2-7-3, AS AMENDED BY P.L.89-2006,  
2       SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 3. The inspector general shall do the  
4       following:

- 5       (1) Initiate, supervise, and coordinate investigations.
- 6       (2) Recommend policies and carry out other activities designed to  
7       deter, detect, and eradicate fraud, waste, abuse, mismanagement,  
8       and misconduct in state government.
- 9       (3) Receive complaints alleging the following:
  - 10       (A) A violation of the code of ethics.
  - 11       (B) Bribery (IC 35-44-1-1).
  - 12       (C) Official misconduct (IC 35-44-1-2).
  - 13       (D) Conflict of interest (IC 35-44-1-3).
  - 14       (E) Profiteering from public service (IC 35-44-1-7).
  - 15       (F) A violation of the executive branch lobbying rules.
  - 16       (G) A violation of a statute or rule relating to the purchase of  
17       goods or services by a current or former employee, state  
18       officer, special state appointee, lobbyist, or person who has a  
19       business relationship with an agency.
- 20       (4) If the inspector general has reasonable cause to believe that a  
21       crime has occurred or is occurring, report the suspected crime to:
  - 22       (A) the governor; and
  - 23       (B) appropriate state or federal law enforcement agencies and  
24       prosecuting authorities having jurisdiction over the matter.
- 25       (5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this  
26       chapter.
- 27       (6) Adopt rules under IC 4-22-2 and section 5 of this chapter to  
28       implement a code of ethics.
- 29       (7) Ensure that every:
  - 30       (A) employee;
  - 31       (B) state officer;



- 1 (C) special state appointee; and
- 2 (D) person who has a business relationship with an agency;
- 3 is properly trained in the code of ethics.
- 4 (8) Provide advice to an agency on developing, implementing,
- 5 and enforcing policies and procedures to prevent or reduce the
- 6 risk of fraudulent or wrongful acts within the agency.
- 7 (9) Recommend legislation to the governor and general assembly
- 8 to strengthen public integrity laws, including the code of ethics
- 9 for state officers, employees, special state appointees, and persons
- 10 who have a business relationship with an agency, including
- 11 whether additional specific state officers, employees, or special
- 12 state appointees should be required to file a financial disclosure
- 13 statement under IC 4-2-6-8.
- 14 (10) Annually submit a report to the legislative council detailing
- 15 the inspector general's activities. The report must be in an
- 16 electronic format under IC 5-14-6.
- 17 (11) Prescribe and provide forms for statements required to be
- 18 filed under IC 4-2-6 or this chapter.
- 19 (12) Accept and file information **that**:
- 20 (A) **is** voluntarily supplied; **and**
- 21 (B) ~~that~~ exceeds the requirements of this chapter.
- 22 (13) Inspect financial disclosure forms.
- 23 (14) Notify persons who fail to file forms required under IC 4-2-6
- 24 or this chapter.
- 25 (15) Develop a filing, a coding, and an indexing system required
- 26 by IC 4-2-6 and IC 35-44-1-3.
- 27 (16) Prepare interpretive and educational materials and programs.
- 28 SECTION 2. IC 4-23-25-11, AS ADDED BY P.L.126-2006,
- 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 UPON PASSAGE]: Sec. 11. (a) As used in this section, "board" refers
- 31 to the sexual assault standards and certification board established by
- 32 subsection (c).
- 33 (b) As used in this section, "rape crisis center" means an
- 34 organization that provides a full continuum of services, including
- 35 hotlines, victim advocacy, and support services from the onset of the
- 36 need for services through the completion of healing, to victims of
- 37 sexual assault.
- 38 (c) The sexual assault standards and certification board is
- 39 established. Except as provided in subsection ~~(o)~~, **(m)**, the board
- 40 consists of the executive director of the commission for women
- 41 established by section 3 of this chapter and the following additional ten
- 42 (10) members appointed by the governor:
- 43 (1) A member recommended by the prosecuting attorneys council
- 44 of Indiana.
- 45 (2) A member from law enforcement.
- 46 (3) A member representing a rape crisis center.



(4) A member recommended by the Indiana Coalition Against Sexual Assault.

(5) A member representing mental health professionals.

(6) A member representing hospital administration.

(7) A member who is a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection recommended by the Indiana chapter of the International Association of Forensic Nurses.

(8) A member who is an employee of the criminal justice institute.

(9) A member who is a survivor of sexual violence.

(10) A member who is a physician (as defined in IC 25-22.5-1-1.1) with experience in examining sexually abused children.

(d) Except for the executive director of the commission for women, a member serves a four (4) year term. Not more than five (5) members appointed under subsection (c)(1) through (c)(10) may be of the same political party.

(e) The executive director of the commission for women shall serve as chairperson of the board.

(f) The board shall meet at the call of the chairperson. Six (6) members of the board constitute a quorum. The affirmative vote of at least six (6) members of the board is required for the board to take any official action.

(g) The board shall:

(1) develop standards for certification as a sexual assault victim advocate;

(2) set fees that cover the costs for the certification process;

(3) adopt rules under IC 4-22-2 to implement this section;

(4) administer the sexual assault victims assistance account established by subsection (i); and

(5) certify sexual assault victim advocates to provide advocacy services.

(h) Members of the board may not receive salary per diem. Members of the board are entitled to receive reimbursement for mileage for attendance at meetings. Any other funding for the board is paid at the discretion of the director of the office of management and budget.

(i) The sexual assault victims assistance account is established within the state general fund. The board shall administer the account to provide financial assistance to rape crisis centers. Money in the account must be distributed to a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq. The account consists of:

(1) amounts transferred to the account ~~for~~ **from** sexual assault victims assistance fees collected under IC 33-37-5-23;

(2) appropriations to the account from other sources;



- (3) fees collected for certification by the board;
- (4) grants, gifts, and donations intended for deposit in the account; and
- (5) interest accruing from the money in the account.

(j) The expenses of administering the account shall be paid from money in the account. The board shall designate not more than ten percent (10%) of the appropriation made each year to the nonprofit corporation for program administration. The board may not use more than ten percent (10%) of the money collected from certification fees to administer the certification program.

(k) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(l) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(m) If the position of the executive director of the commission for women is vacant, the governor shall appoint a member of the commission to the board until the executive director position is filled.

(n) If a vote of the board is a tie, and the chairperson has not voted, the chairperson may cast a vote to break the tie.

SECTION 3. IC 5-10-8-8.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.2. (a) As used in this section, "former legislator" means a former member of the general assembly.

(b) As used in this section, "dependent" means an unmarried person who:

(1) is:

(A) a dependent child, stepchild, foster child, or adopted child of a former legislator or spouse of a former legislator; or

(B) a child who resides in the home of a former legislator or spouse of a former legislator who has been appointed legal guardian for the child; and

(2) is:

(A) less than twenty-three (23) years of age;

(B) at least twenty-three (23) years of age, incapable of self-sustaining employment by reason of mental or physical disability, and is chiefly dependent on a former legislator or spouse of a former legislator for support and maintenance; or

(C) at least twenty-three (23) years of age and less than twenty-five (25) years of age and is enrolled in and is a full-time student at an accredited college or university.

(c) As used in this section, "spouse" means a person who is or was married to a former legislator.

(d) After June 30, 2001, the state shall provide to a former legislator:

(1) whose last day of service as a member of the general assembly



was after December 31, 2000;

(2) who served in all or part of at least four (4) terms of the general assembly (as defined in IC 2-2.1-1-1);

(3) who pays an amount equal to the employee's and employer's premium for the group health insurance for an active employee; and

(4) who files a written request for insurance coverage with the employer within ninety (90) days after the former legislator's:

(A) last day of service as a member of the general assembly; or

(B) retirement date;

a group health insurance program that is equal to that offered to active employees.

(e) Except as provided by section 8(j) of this chapter, the eligibility of a former legislator to continue insurance under this section ends when the former legislator becomes eligible for Medicare coverage as prescribed by 42 ~~U.S.C.A.~~ U.S.C. 1395 et seq. or when the employer terminates the health insurance program.

(f) A former legislator who is eligible for insurance coverage under this section may elect to have a spouse or dependent of the former legislator covered under the health insurance program. A former legislator who makes an election under this subsection must pay the employee's and employer's premium for the group health insurance program for an active employee that is attributable to the inclusion of a spouse or dependent.

(g) A spouse or dependent may continue insurance under this section after the death of the former legislator if the spouse or dependent pays the amount the former legislator would have been required to pay for coverage selected by the spouse or dependent.

(h) Except as provided under section 8(j) of this chapter, the eligibility of a spouse to continue insurance under this section ends on the earliest of the following:

(1) When the employer terminates the health insurance program.

(2) The date of the legislative spouse's remarriage.

(3) When the required amount for coverage is not paid with respect to the spouse.

(4) When the spouse becomes eligible for Medicare coverage as prescribed by 42 ~~U.S.C.A.~~ U.S.C. 1395 et seq.

(i) The eligibility of a dependent to continue insurance under this section ends on the earliest of the following:

(1) When the employer terminates the health insurance program.

(2) The date the dependent no longer meets the definition of a dependent.

(3) When the required amount for coverage is not paid with respect to the dependent.

(j) The spouse of a deceased former legislator may elect to



participate in the group health insurance program under this section if all of the following apply:

(1) The deceased legislator:

(A) died after December 31, 2000, while serving as a member of the general assembly; and

(B) served in all or part of at least four (4) terms of the general assembly (as defined in IC 2-2.1-1-1).

(2) The surviving spouse files a written request for insurance coverage with the employer.

(3) The surviving spouse pays an amount equal to the employee's and employer's premium for the group health insurance for an active employee, including any amount with respect to covered dependents of the former legislator.

(k) Except as provided under section 8(j) of this chapter, the eligibility of the surviving spouse under subsection (j) ends on the earliest of the following:

(1) When the employer terminates the health insurance program.

(2) The date of the spouse's remarriage.

(3) When the required amount for coverage is not paid with respect to the spouse and any covered dependent.

(4) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

SECTION 4. IC 5-10.2-5-40, AS ADDED BY P.L.115-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. (a) The pension portion (plus postretirement increases to the pension portion) provided by employer contributions of the monthly benefit payable after December 31, 2006, to a member of the public employees' retirement fund (or to a survivor or beneficiary of a member of the public employees' retirement fund) who retired or was disabled before January 1, 2006, shall be increased by two percent (2%).

(b) The ~~increases~~ **increase** specified in this section:

(1) ~~are~~ **is** based on the date of the member's latest retirement or disability;

(2) ~~do~~ **does** not apply to benefits payable in a lump sum; and

(3) ~~are~~ **is** in addition to any other increase provided by law.

SECTION 5. IC 6-1.1-20.6-6.5, AS ADDED BY P.L.162-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) This subsection applies only to property taxes first due and payable after December 31, 2006, and before January 1, ~~2007~~, **2008**, attributable to qualified residential property located in Lake County. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property. However, the county fiscal body may, by ordinance adopted before



January 1, 2007, limit the application of the credit granted by this subsection to homesteads.

(b) This subsection applies only to property taxes first due and payable after December 31, 2007, and before January 1, 2010. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property.

(c) This subsection applies only to property taxes first due and payable after December 31, 2009. A person is entitled to a credit each calendar year under section 7(b) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property.

SECTION 6. IC 6-1.1-22-9, AS AMENDED BY P.L.67-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsections (b) and (c) the property taxes assessed for a year under this article are due in two (2) equal installments on May 10 and November 10 of the following year.

(b) Subsection (a) does not apply if any of the following apply to the property taxes assessed for the year under this article:

- (1) Subsection (c).
- (2) Subsection (d).
- (3) IC 6-1.1-7-7.
- (4) Section 9.5 of this chapter.

(c) A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars (\$25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars (\$25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year.

(d) If the county treasurer receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county treasurer mails or transmits statements under section 8(a) of this chapter, the county ~~auditor~~ **treasurer** may:

- (1) mail or transmit the statements without regard to the pendency of the appeal and, if the resolution of the appeal by the department of local government finance results in changes in levies, mail or transmit reconciling statements under subsection (e); or
- (2) delay the mailing or transmission of statements under section 8(a) of this chapter so that:
  - (A) the due date of the first installment that would otherwise be due under subsection (a) is delayed by not more than sixty





- 1 (60) days; and  
 2 (B) all statements reflect any changes in levies that result from  
 3 the resolution of the appeal by the department of local  
 4 government finance.
- 5 (e) A reconciling statement under subsection (d)(1) must indicate:  
 6 (1) the total amount due for the year;  
 7 (2) the total amount of the installments paid that did not reflect  
 8 the resolution of the appeal under IC 6-1.1-18.5-12(g) or  
 9 IC 6-1.1-19-2(g) by the department of local government finance;  
 10 (3) if the amount under subdivision (1) exceeds the amount under  
 11 subdivision (2), the adjusted amount that is payable by the  
 12 taxpayer:  
 13 (A) as a final reconciliation of all amounts due for the year;  
 14 and  
 15 (B) not later than:  
 16 (i) November 10; or  
 17 (ii) the date or dates established under section 9.5 of this  
 18 chapter; and  
 19 (4) if the amount under subdivision (2) exceeds the amount under  
 20 subdivision (1), that the taxpayer may claim a refund of the excess  
 21 under IC 6-1.1-26.
- 22 (f) If property taxes are not paid on or before the due date, the  
 23 penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent  
 24 taxes.
- 25 (g) Notwithstanding any other law, a property tax liability of less  
 26 than five dollars (\$5) is increased to five dollars (\$5). The difference  
 27 between the actual liability and the five dollar (\$5) amount that appears  
 28 on the statement is a statement processing charge. The statement  
 29 processing charge is considered a part of the tax liability.
- 30 SECTION 7. IC 6-1.1-24-6.7, AS AMENDED BY P.L.169-2006,  
 31 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 6.7. (a) The county executive may:  
 33 (1) by resolution, identify the property described under section 6  
 34 of this chapter that the county executive desires to transfer to a  
 35 nonprofit corporation for use for the public good; and  
 36 (2) set a date, time, and place for a public hearing to consider the  
 37 transfer of the property to a nonprofit corporation.
- 38 (b) Notice of the property identified under subsection (a) and the  
 39 date, time, and place for the hearing on the proposed transfer of the  
 40 property on the list shall be published in accordance with IC 5-3-1. The  
 41 notice must include a description of the property by:  
 42 (1) legal description; and  
 43 (2) parcel number or street address, or both.
- 44 The notice must specify that the county executive will accept  
 45 applications submitted by nonprofit corporations as provided in  
 46 subsection (d) and hear any opposition to a proposed transfer.



(c) After the hearing set under subsection (a), the county executive shall by resolution make a final determination concerning:

- (1) the properties that are to be transferred to a nonprofit corporation;
- (2) the nonprofit corporation to which each property is to be transferred; and
- (3) the terms and conditions of the transfer.

(d) To be eligible to receive property under this section, a nonprofit corporation must file an application with the county executive. The application must state the property that the corporation desires to acquire, the use to be made of the property, and the time period anticipated for implementation of the use. The application must be accompanied by documentation verifying the nonprofit status of the corporation and be signed by an officer of the corporation. If more than one (1) application for a single property is filed, the county executive shall determine which application is to be accepted based on the benefit to be provided to the public and the neighborhood and the suitability of the stated use for the property and the surrounding area.

(e) After the hearing set under subsection (a) and the final determination of properties to be transferred under subsection (c), ~~which ever is applicable~~, the county executive, on behalf of the county, shall cause all delinquent taxes, special assessments, penalties, interest, and costs of sale to be removed from the tax duplicate and the county auditor to prepare a deed transferring the property to the nonprofit corporation. The deed shall provide for:

- (1) the use to be made of the property;
- (2) the time within which the use must be implemented and maintained;
- (3) any other ~~term~~ terms and conditions that are established by the county executive; and
- (4) the reversion of the property to the county executive if the grantee nonprofit corporation fails to comply with the terms and conditions.

If the grantee nonprofit corporation fails to comply with the terms and conditions of the transfer and title to the property reverts to the county executive, the property may be retained by the county executive or disposed of under any of the provisions of this chapter or IC 6-1.1-24, or both.

SECTION 8. IC 6-3.1-11.6-9, AS AMENDED BY P.L.180-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to ~~subsection~~ subsections (c) and (d), a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment in that taxable year.

(b) The amount of the credit to which a taxpayer is entitled is the percentage determined under section 12 of this chapter multiplied by



the amount of the qualified investment made by the taxpayer during the taxable year.

(c) This subsection applies to a taxpayer making a qualified investment in a business located in a qualified military base enhancement area established under IC 36-7-34-4(1). To qualify for a credit under this chapter, the taxpayer's qualified investment must be in a business that satisfies at least one (1) of the following criteria:

(1) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(2) The business is a United States Department of Defense contractor.

(3) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(d) This subsection applies to a taxpayer making a qualified investment in a business located in a qualified military base enhancement area established under IC 36-7-34-4(2). To qualify for a credit under this chapter, the taxpayer's qualified investment must be in a business that satisfies at least one (1) of the following criteria:

(1) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(2) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

SECTION 9. IC 6-3.1-30-8, AS AMENDED BY P.L.137-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A taxpayer that:

(1) is an eligible business;

(2) completes a qualifying project;

(3) incurs relocation costs; and

(4) ~~employees~~ **employs** at least seventy-five (75) employees in Indiana;

is entitled to a credit against the taxpayer's state tax liability for the taxable year in which the relocation costs are incurred. The credit allowed under this section is equal to the amount determined under section 9 of this chapter.

(b) For purposes of establishing the employment level required by subsection (a)(4), a taxpayer may include:

(1) individuals who:

(A) were employed in Indiana by the taxpayer before the taxpayer commenced a qualifying project; and

(B) remain employed in Indiana after the completion of the



1 taxpayer's qualifying project; and

2 (2) individuals who:

3 (A) were not employed in Indiana by the taxpayer before the  
4 taxpayer commenced a qualifying project; and

5 (B) are employed in Indiana by the taxpayer as a result of the  
6 completion of the taxpayer's qualifying project.

7 SECTION 10. IC 8-1-2.6-1.1, AS ADDED BY P.L.27-2006,  
8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: Sec. 1.1. The commission shall not exercise  
10 jurisdiction over:

11 (1) advanced services (as defined in 47 CFR 51.5);

12 (2) broadband service, however defined or classified by the  
13 Federal Communications Commission;

14 (3) information ~~services~~ service (as defined in 47 U.S.C.  
15 153(20));

16 (4) Internet Protocol enabled retail services:

17 (A) regardless of how the service is classified by the Federal  
18 Communications Commission; and

19 (B) except as expressly permitted under IC 8-1-2.8;

20 (5) commercial mobile service (as defined in 47 U.S.C. 332); or

21 (6) any service not commercially available on March 28, 2006.

22 SECTION 11. IC 8-1-2.6-1.2, AS ADDED BY P.L.27-2006,  
23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 UPON PASSAGE]: Sec. 1.2. Except as provided in sections ~~1-5(c)~~,  
25 **1.5(b)**, 12, and 13 of this chapter, after March 27, 2006, the  
26 commission shall not exercise jurisdiction over any nonbasic  
27 telecommunications service.

28 SECTION 12. IC 8-1-2.6-1.4, AS ADDED BY P.L.27-2006,  
29 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 UPON PASSAGE]: Sec. 1.4. Except as provided in sections ~~1-5(c)~~,  
31 **1.5(b)**, 12, and 13 of this chapter, after June 30, 2009, the commission  
32 shall not exercise jurisdiction over basic telecommunications service.

33 SECTION 13. IC 8-1-2.6-13, AS ADDED BY P.L.27-2006,  
34 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 UPON PASSAGE]: Sec. 13. (a) As used in this section,  
36 "communications service" has the meaning set forth in IC 8-1-32.5-3.

37 (b) As used in this section, "communications service provider"  
38 means a person or an entity that offers communications service to  
39 customers in Indiana, without regard to the technology or medium used  
40 by the person or entity to provide the communications service. The  
41 term includes a provider of commercial mobile service (as defined in  
42 47 U.S.C. 332).

43 (c) As used in this section, "dark fiber" refers to unused capacity in  
44 a communications service provider's communications network,  
45 including fiber optic cable or other facilities:

46 (1) in place within a public right-of-way; but



- 1 (2) not placed in service by a communications service provider.
- 2 (d) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the
- 3 commission may do the following both during and after the rate
- 4 transition period described in section 1.3 of this chapter, except as
- 5 otherwise provided in this subsection:
- 6 (1) Subject to section 12 of this chapter, enforce the terms of a
- 7 settlement agreement approved by the commission before July 29,
- 8 2004. The commission's authority under this subdivision
- 9 continues for the duration of the settlement agreement.
- 10 (2) Fulfill the commission's duties under IC 8-1-2.8 concerning
- 11 the provision of dual party relay services to hearing impaired and
- 12 speech impaired persons in Indiana.
- 13 (3) Fulfill the commission's duties under IC 8-1-19.5 concerning
- 14 the administration of the 211 dialing code for communications
- 15 service used to provide access to human services information and
- 16 referrals.
- 17 (4) Fulfill the commission's responsibilities under IC 8-1-29 to
- 18 adopt and enforce rules to ensure that a customer of a
- 19 telecommunications provider is not:
- 20 (A) switched to another telecommunications provider unless
- 21 the customer authorizes the switch; or
- 22 (B) billed for services by a telecommunications provider that
- 23 without the customer's authorization added the services to the
- 24 customer's service order.
- 25 (5) Fulfill the commission's obligations under:
- 26 (A) the federal Telecommunications Act of 1996 (47 U.S.C.
- 27 151 et seq.); and
- 28 (B) IC 20-20-16;
- 29 concerning universal service and access to telecommunications
- 30 service and equipment, including the designation of eligible
- 31 telecommunications carriers under 47 U.S.C. 214.
- 32 (6) Perform any of the functions described in section 1.5(b) of this
- 33 chapter.
- 34 (7) After June 30, 2009, perform the commission's responsibilities
- 35 under IC 8-1-32.5 to:
- 36 (A) issue; and
- 37 (B) maintain records of;
- 38 certificates of territorial authority for communications service
- 39 providers offering communications service to customers in
- 40 Indiana.
- 41 (8) Perform the commission's responsibilities under IC 8-1-34
- 42 concerning the issuance of certificates of franchise authority to
- 43 multichannel video programming distributors offering video
- 44 service to Indiana customers.
- 45 (9) After June 30, 2009, require a communications service
- 46 provider, other than a provider of commercial mobile service (as



defined in 47 U.S.C. 332), to report to the commission on an annual basis, or more frequently at the option of the provider, any of the following information:

(A) Service quality goals and performance data. The commission shall make any information or data submitted under this subsection available:

(i) for public inspection and copying at the offices of the commission under IC 5-14-3; and

(ii) electronically through the computer gateway administered by the office of technology established by IC 4-13.1-2-1;

to the extent the information or data are not exempt from public disclosure under IC 5-14-3-4(a).

(B) Information concerning the:

(i) capacity;

(ii) location; and

(iii) planned or potential use; ~~or~~

~~of the communications service provider's dark fiber in Indiana.~~

(C) Information concerning the communications service offered by the communications service provider in Indiana, including:

(i) the types of service offered; and

(ii) the areas in Indiana in which the services are offered.

(D) Any information needed by the commission to prepare the commission's report to the regulatory flexibility committee under section 4 of this chapter.

(E) Any other information that the commission is authorized to collect from a communications service provider under state or federal law.

The commission may revoke a certificate issued to a communications service provider under IC 8-1-32.5 if the communications service provider fails or refuses to report any information required by the commission under this subdivision. However, this subdivision does not empower the commission to require a communications service provider to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subdivision.

(10) Perform the commission's duties under IC 8-1-32.4 with respect to telecommunications providers of last resort, to the extent of the authority delegated to the commission under federal law to perform those duties.

(11) Perform the commission's duties under IC 8-1-2-5 with respect to interconnection.



(12) Establish and administer the Indiana Lifeline assistance program under IC 8-1-36.

(13) After June 30, 2009, collect and maintain from a provider of commercial mobile service (as defined in 47 U.S.C. 332) the following information:

(A) The address of the provider's web site.

(B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.

(C) An address and other contact information for the provider, including any telephone number not described in clause (B).

The commission shall make any information submitted by a provider under this subdivision available on the commission's web site. The commission may also make available on the commission's web site contact information for the Federal Communications Commission and the Cellular Telephone Industry Association.

(14) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(e) After June 30, 2009, the commission does not have jurisdiction over any of the following with respect to a communications service provider:

(1) Rates and charges for communications service provided by the communications service provider, including the filing of schedules or tariffs setting forth the provider's rates and charges.

(2) Depreciation schedules for any of the classes of property owned by the communications service provider.

(3) Quality of service provided by the communications service provider, other than the imposition of a reporting requirement under subsection (d)(9)(A).

(4) Long term financing arrangements or other obligations of the communications service provider.

(5) Except as provided in subsection (d), any other aspect regulated by the commission under this title before July 1, 2009.

(f) After June 30, 2009, the commission has jurisdiction over a communications service provider only to the extent that jurisdiction is:

(1) expressly granted by state or federal law, including:

(A) a state or federal statute;

(B) a lawful order or regulation of the Federal Communications Commission; or

(C) an order or a ruling of a state or federal court having jurisdiction; or

(2) necessary to administer a federal law for which regulatory responsibility has been delegated to the commission by federal law.



SECTION 14. IC 8-1-17-18, AS AMENDED BY P.L.27-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Any two (2) or more cooperative corporations created under the provisions of this chapter and operating or authorized to operate in contiguous territory may enter into an agreement for the consolidation of the cooperative corporations, which agreement shall be submitted for the review of the commission in the manner provided for in section 5 of this chapter. The agreement shall set forth the terms and conditions of the consolidation, the name of the proposed consolidated cooperative corporation, the number of its directors, not less than three (3), the time of the annual election, and the names of the persons, not less than three (3), to be directors until the first annual meeting. Each cooperative corporation participating in the consolidation shall duly call and hold a meeting of its members, as provided in section 9 of this chapter, at which the proposal of the consolidation shall be presented. If at each meeting, the consolidation agreement is approved by a resolution duly adopted and receiving the affirmative vote of at least three-fourths (3/4) of the members who attend each meeting, the directors named in the agreement shall subscribe and acknowledge articles conforming substantially to the original articles of incorporation. The new articles shall be entitled and endorsed "Articles of Consolidation of \_\_\_\_\_" (the blank space being filled in with the names of the cooperative corporations being consolidated) and must state:

- (1) the names of the cooperative corporations being consolidated;
- (2) the name of the consolidated cooperative corporation;
- (3) a statement that each consolidating cooperative corporation agrees to the consolidation;
- (4) the names and addresses of the directors of the new cooperative corporation; and
- (5) the terms and conditions of the consolidation and the mode of carrying the consolidation into effect, including the manner in which members of the consolidating cooperative corporations may or shall become members of the new cooperative corporation.

The new articles of incorporation may contain any provisions not inconsistent with this chapter that are necessary or advisable for the conduct of the business of the new cooperative corporation.

(b) After the commission approves the articles of consolidation under section 5 of this chapter, the articles of consolidation or a certified copy or copies of the articles shall be filed, together with the attached copy of the order of the commission under section 5(e)(2) of this chapter, in the same place as **the** original articles of incorporation. Upon the filings required under section 5(g) of this chapter, the proposed consolidated cooperative corporation, under its designated name, is a body corporate with all the powers of a cooperative





1 corporation as originally formed under this chapter.

2 SECTION 15. IC 8-1-17-23, AS AMENDED BY P.L.27-2006,  
 3 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 UPON PASSAGE]: Sec. 23. (a) A cooperative corporation may amend  
 5 its articles of incorporation to change its corporate name, to increase or  
 6 reduce the number of its directors, or to change any other provisions set  
 7 forth in the articles. However, any change of location of the principal  
 8 office shall be effected in the manner set forth in section 24 of this  
 9 chapter. An amendment under this section may be accomplished by  
 10 filing articles of amendment, along with any notice of change required  
 11 under IC 8-1-32.5-12, with the commission. The articles of amendment  
 12 shall be entitled and endorsed "Articles of Amendment of  
 13 \_\_\_\_\_" (the blank space being filled in with the name of the  
 14 cooperative corporation) and must include the following:

15 (1) The name of the cooperative corporation, and if it has been  
 16 changed, the name under which it was originally incorporated.

17 (2) The date of filing the articles of incorporation in each public  
 18 office where filed.

19 (3) Whether the statement of counties within which the  
 20 corporation's operations are to be conducted is to be changed, and  
 21 if so, a new statement of the counties in which the corporation  
 22 will operate.

23 (4) An affidavit, signed by the officer executing the articles of  
 24 amendment, stating that the provisions of this section were  
 25 complied with.

26 (b) The amended articles shall be subscribed in the name of the  
 27 cooperative corporation by the appropriate officers of the cooperative  
 28 corporation, who shall make and annex an affidavit stating that they  
 29 have been authorized to execute and file the amended articles by a  
 30 resolution duly adopted at a meeting of the cooperative corporation  
 31 duly called and held as provided in section 9 of this chapter. If by any  
 32 amendment to the articles of incorporation, the territory proposed to be  
 33 served by the cooperative corporation is to be increased or decreased,  
 34 the appropriate officers of the cooperative corporation shall submit to  
 35 the commission:

36 (1) an application for a new certificate of territorial authority  
 37 under IC 8-1-32.5-6; or

38 (2) a notice of change under IC 8-1-32.5-12(7), as allowed by the  
 39 commission.

40 (c) Upon receipt of an application or a notice of change under  
 41 subsection (b), the commission shall conduct the review required under  
 42 IC 8-1-32.5-8. If the applicant is a local cooperative corporation, the  
 43 commission shall give written notice of the proposed change in the  
 44 corporation's territory to each facilities based local exchange carrier  
 45 operating in contiguous territory in the manner provided in section 5 of  
 46 this chapter. If the commission, after conducting the review required by



1 IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines  
 2 that the amended articles and the application or notice of change under  
 3 IC 8-1-32.5 are accurate, complete, and properly verified, the  
 4 commission shall:

5 (1) issue a new or amended certificate under IC 8-1-32.5 that  
 6 reflects the increase or decrease in the territory served by the  
 7 corporation; and

8 (2) enter an order approving the amended articles of the  
 9 cooperative corporation.

10 (d) If the commission, after conducting the review required by  
 11 IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines  
 12 that the amended articles or an application or notice of change under  
 13 IC 8-1-32.5 ~~are~~ **is** inaccurate, incomplete, or not properly verified, the  
 14 commission shall:

15 (1) request the corporation to provide additional information; or

16 (2) notify the corporation of the corporation's right to:

17 (A) appeal the commission's determination under IC 8-1-3; or

18 (B) file the amended articles or an application or notice of  
 19 change under IC 8-1-32.5 at a later date, without prejudice;

20 under IC 8-1-32.5-8.

21 (e) An amendment increasing or decreasing the territory to be  
 22 served by a cooperative corporation shall not be filed in the office of  
 23 the secretary of state or of any county recorder unless there is attached  
 24 to the amendment a certified copy of an order of the commission under  
 25 subsection (c)(2). The amended articles shall be filed in the same  
 26 places as the original articles of incorporation, and upon filing the  
 27 amendment shall be considered to have been effected.

28 SECTION 16. IC 8-1-32.4-16, AS ADDED BY P.L.27-2006,  
 29 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 UPON PASSAGE]: Sec. 16. (a) If a provider, other than the incumbent  
 31 local exchange carrier, operates under an arrangement by which the  
 32 provider is the exclusive provider of basic telecommunications service  
 33 in a particular geographic area, building, or group of residences and  
 34 businesses, the incumbent local exchange carrier is relieved of any  
 35 provider of last resort obligations that the incumbent local exchange  
 36 carrier would ordinarily have with respect to the particular geographic  
 37 area, building, or group of residences and ~~buildings~~ **businesses**.

38 (b) If:

39 (1) a provider with an exclusive service arrangement described in  
 40 subsection (a) decides to cease operations in all or part of the  
 41 particular geographic area, building, or group of residences and  
 42 ~~buildings~~ **businesses** that the provider serves under the  
 43 arrangement; and

44 (2) the incumbent local exchange carrier:

45 (A) has insufficient facilities to serve the affected customers  
 46 of the exiting provider; and



(B) elects to purchase the facilities of the exiting provider; the incumbent local exchange carrier has twelve (12) months to make any modifications necessary to the purchased facilities to allow the incumbent local exchange carrier to serve the affected customers of the exiting provider. The incumbent local exchange carrier may apply to the commission for an extension of the period allowed under this subsection, and the commission shall grant the extension upon good cause shown by the incumbent local exchange carrier.

(c) If:

(1) a provider with an exclusive service arrangement described in subsection (a) decides to cease operations in all or part of the particular geographic area, building, or group of residences and ~~buildings~~ **businesses** that the provider serves under the arrangement; and

(2) the incumbent local exchange carrier:

(A) has insufficient facilities to serve the affected customers of the exiting provider; and

(B) elects not to purchase the facilities of the exiting provider; the incumbent local exchange carrier has twelve (12) months to deploy an approved alternative technology necessary to allow the incumbent local exchange carrier to serve the affected customers of the exiting provider. The incumbent local exchange carrier may apply to the commission for an extension of the period allowed under this subsection, and the commission shall grant the extension upon good cause shown by the incumbent local exchange carrier.

SECTION 17. IC 8-1-32.5-6, AS ADDED BY P.L.27-2006, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in subsection (c), before a communications service provider may offer communications service to customers in Indiana, the communications service provider must apply to the commission for a certificate of territorial authority. A communications service provider that seeks a certificate under this chapter shall submit an application on a form prescribed by the commission. The form prescribed by the commission must require the communications service provider to report the following information:

(1) The provider's legal name and any name under which the provider does or will do business in Indiana, as authorized by the secretary of state.

(2) The provider's address and telephone number, along with contact information for the person responsible for ongoing communications with the commission.

(3) The legal name, address, and telephone number of the provider's parent company, if any.

(4) A description of each service area in Indiana in which the provider proposes to offer communications service.

(5) For each service area identified under subdivision (4), a



description of each type of communications service that the provider proposes to offer in the service area.

(6) For each communications service identified under subdivision (5), whether the communications service will be offered to residential customers or business customers, or both.

(7) The expected date of deployment for each communications service identified under subdivision (5) in each service area identified in subdivision (4).

(8) A list of other states in which the provider offers communications service, including the type of communications service offered.

(9) Any other information the commission considers necessary to:

(A) monitor the type and availability of communications service provided to Indiana customers; and

(B) prepare the commission's annual report to the regulatory flexibility committee under IC 8-1-2.6-4.

The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 8 of this chapter.

(b) A communications service provider shall also submit, along with the application required by subsection (a), the following documents:

(1) A certification from the secretary of state authorizing the provider to do business in Indiana.

(2) Information demonstrating the provider's financial, managerial, and technical ability to provide each communications service identified in the provider's application under subsection (a)(5) in each service area identified under subsection (a)(4).

(3) A statement, signed under penalty of perjury by an officer or another person authorized to bind the provider, that affirms the following:

(A) That the provider has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering communications service in Indiana.

(B) That the provider agrees to comply with any customer notification requirements imposed by the commission under section ~~11(c)~~ **11(b)** of this chapter.

(C) That the provider agrees to update the information provided in the application submitted under subsection (a) on a regular basis, as may be required by the commission under section 12 of this chapter.

(D) That the provider agrees to notify the commission when the provider commences offering communications service in each service area identified in the provider's application under subsection (a)(4).



(E) That the provider agrees to pay any lawful rate or charge for switched and special access services, as required under any:

- (i) applicable interconnection agreement; or
- (ii) lawful tariff or order approved or issued by a regulatory body having jurisdiction.

(F) That the provider agrees to report, at the times required by the commission, any information required by the commission under IC 8-1-2.6-13(d)(9).

(c) If:

(1) a communications service provider has been issued a:

- (A) certificate of territorial authority; or
- (B) certificate of public convenience and necessity;

by the commission before July 1, 2009; and

(2) the certificate described in subdivision (1) is in effect on July 1, 2009;

the communications service provider is not required to submit an application under this section for as long as the certificate described in subdivision (1) remains in effect. For purposes of this subsection, if a corporation organized under IC 8-1-13 (or a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13) holds a certificate of public convenience and necessity issued by the commission before, on, or after July 1, 2009, that certificate may serve as the certificate required under this chapter with respect to any communications service offered by the corporation, subject to the commission's right to require the corporation to provide any information that an applicant is otherwise required to submit under subsection (a) or that a holder is required to report under IC 8-1-2.6-13(d)(9).

(d) This section does not empower the commission to require an applicant for a certificate under this chapter to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection.

SECTION 18. IC 8-1-32.5-12, AS ADDED BY P.L.27-2006, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. In connection with, or as a condition of receiving, a certificate of territorial authority under this chapter, the commission may require a communications service provider to notify the commission, after the issuance of a certificate, of any of the following changes involving the provider or the certificate issued:

- (1) Any transaction involving a change in the ownership, operation, control, or corporate organization of the provider, including a merger, acquisition, or reorganization.



(2) A change in the provider's legal name or the adoption of, or change to, an assumed business name. The provider shall submit to the commission a certified copy of the:

(A) amended certificate of authority; or

(B) certificate of assumed business name;

issued by the secretary of state to reflect the change.

(3) A change in the provider's principal business address or in the name of the person authorized to receive notice on behalf of the provider.

(4) Any sale, assignment, lease, or transfer of the certificate to another communications service provider, as allowed by section 10 of this chapter. The provider shall identify the other communications service provider to which the sale, assignment, lease, or transfer is made.

(5) The relinquishment of any certificate issued under this chapter. The provider shall identify:

(A) any other certificate of territorial authority issued under this chapter that will be retained by the provider;

(B) the number of Indiana customers in the service area covered by the certificate being relinquished; and

(C) the method by which the provider's customers were or will be notified of the relinquishment, if required in a rule adopted by the commission under section ~~11(c)~~ **11(b)** of this chapter.

(6) This subdivision does not apply to a provider of commercial mobile service (as defined in 47 U.S.C. 332). A change in the communications service provided in one (1) or more of **the** service areas identified in the provider's application under section 6(a)(4) of this chapter. However, if new services will be provided in one (1) or more of the service areas, the commission may require the provider to submit a new application under section 6 of this chapter with respect to those services.

(7) A change in one (1) or more of the service areas identified in the provider's application under section 6(a)(4) of this chapter that would increase or decrease the territory within the service area.

The commission shall prescribe the time in which a provider must report changes under this section. The commission may prescribe a form for the reporting of changes under this section.

SECTION 19. IC 8-1-34-17, AS ADDED BY P.L.27-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Not later than fifteen (15) business days after the commission receives an application under section 16 of this chapter, the commission shall determine whether the application is complete and properly verified. If the commission determines that the application is incomplete or is not properly verified, the commission shall notify the applicant of the deficiency and allow the applicant to resubmit the application after correcting the deficiency. If



the commission determines that the application is complete and properly verified, the commission shall issue the applicant a certificate of franchise authority. A certificate issued under this section must contain:

(1) a grant of authority to provide the video service requested in the application;

(2) a grant of authority to use and occupy public rights-of-way in the delivery of the video service, subject to:

(A) state and local laws and regulations governing the use and occupancy of public rights-of-way; and

(B) the police powers of local units to enforce local ordinances and regulations governing the use and occupancy of public rights-of-way; and

(3) a statement that the authority granted under subdivisions (1) and (2) is subject to the holder's lawful provision and operation of the video service.

(b) Except as provided in subsection (c) and ~~section~~ **sections 16(c) and 28** of this chapter, the commission may not require a provider to:

(1) satisfy any build-out requirements;

(2) deploy, or make investments in, any infrastructure, facilities, or equipment; or

(3) pay an application fee, a document fee, a state franchise fee, a service charge, or any fee other than the franchise fee paid to a local unit under section 24 of this chapter;

as a condition of receiving or holding a certificate under this chapter.

(c) This section does not limit the commission's right to enforce any obligation described in subsection (b) that a provider is subject to under the terms of a settlement agreement approved by the commission before July 29, 2004.

(d) The general assembly, a state agency, or a unit may not adopt a law, rule, ordinance, or regulation governing the use and occupancy of public rights-of-way that:

(1) discriminates against any provider, or is unduly burdensome with respect to any provider, based on the particular facilities or technology used by the provider to deliver video service; or

(2) allows a video service system owned or operated by a unit to use or occupy public rights-of-way on terms or conditions more favorable or less burdensome than those that apply to other providers.

A law, a rule, an ordinance, or a regulation that violates this subsection is void.

SECTION 20. IC 8-1-34-23, AS ADDED BY P.L.27-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Except as provided in subsection (b), the holder of a certificate under this chapter shall, at the end of each calendar quarter, determine under subsections (c) and (d) the gross



revenue received during that quarter from the holder's provision of video service in each unit included in the holder's service area under the certificate.

(b) This subsection applies to a holder or other provider providing video service in a unit in which a provider of video service is required on June 30, 2006, to pay a franchise fee based on a percentage of gross revenues. The holder's or provider's gross revenue shall be determined as follows:

(1) If only one (1) local franchise is in effect on June 30, 2006, the holder or provider shall determine gross revenue as the term is defined in the local franchise in effect on June 30, 2006.

(2) If:

(A) more than one (1) local franchise is in effect on June 30, 2006; and

(B) the holder or provider is subject to a local franchise in the unit on June 30, 2006;

the holder or provider shall determine gross revenue as the term is defined in the local franchise to which the holder or provider is subject on June 30, 2006.

(3) If:

(A) more than one (1) local franchise is in effect on June 30, 2006; and

(B) the holder is not subject to a local franchise in the unit on June 30, 2006;

the holder shall determine gross revenue as the term is defined in the local franchise in effect on June 30, 2006, that is most favorable to the unit.

(c) This subsection does not apply to a holder that is required to determine gross revenue under subsection (b). The holder shall include the following in determining the gross revenue received during the quarter with respect to a particular unit:

(1) Fees and charges charged to subscribers for video service provided by the holder. Fees and charges under this subdivision include the following:

(A) Recurring monthly charges for video service.

(B) Event based charges for video service, including pay per view and video on demand charges.

(C) Charges for the rental of set top boxes and other equipment.

(D) Service charges related to the provision of video service, including activation, installation, repair, and maintenance charges.

(E) Administrative charges related to the provision of video service, including service order and service termination charges.

(2) Revenue received by an affiliate of the holder from the





1 affiliate's provision of video service, to the extent that treating the  
 2 revenue as revenue of the affiliate, instead of revenue of the  
 3 holder, would have the effect of evading the payment of fees that  
 4 would otherwise be paid to the unit. However, revenue of an  
 5 affiliate may not be considered revenue of the holder if the  
 6 revenue is otherwise subject to fees to be paid to the unit.

7 (d) This subsection does not apply to a holder that is required to  
 8 determine gross revenue under subsection (b). The holder shall not  
 9 include the following in determining the gross revenue received during  
 10 the quarter with respect to a particular unit:

11 (1) Revenue not actually received, regardless of whether it is  
 12 billed. Revenue described in this subdivision includes bad debt.

13 (2) Revenue received by an affiliate or any other person in  
 14 exchange for supplying goods and services used by the holder to  
 15 provide video service under the holder's certificate.

16 (3) Refunds, rebates, or discounts made to subscribers,  
 17 advertisers, the unit, or other providers leasing access to the  
 18 holder's facilities.

19 (4) Revenue from providing service other than video service,  
 20 including revenue from providing:

21 (A) telecommunications service (as defined in 47 U.S.C.  
 22 153(46));

23 (B) information service (as defined in 47 U.S.C. 153(20)),  
 24 other than video service; or

25 (C) any other service not classified as cable service or video  
 26 programming by the Federal Communications Commission.

27 (5) Any fee imposed on the holder under this chapter that is  
 28 passed through to and paid by subscribers, including the franchise  
 29 fee:

30 (A) imposed under section 24 of this chapter for the quarter  
 31 immediately preceding the quarter for which gross revenue is  
 32 being computed; and

33 (B) passed through to and paid by subscribers during the  
 34 quarter for which gross revenue is being computed.

35 (6) Revenue from the sale of video service for resale in which the  
 36 purchaser collects a franchise fee under:

37 (A) this chapter; or

38 (B) a local franchise agreement in effect on July 1, 2006;  
 39 from the purchaser's customers. This subdivision does not limit  
 40 the authority of a unit, or the commission on behalf of a unit, to  
 41 impose a tax, fee, or other assessment upon the purchaser under  
 42 U.S.C. 542(h).

43 (7) Any tax of general applicability:

44 (A) imposed on the holder or on subscribers by a federal, state,  
 45 or local governmental entity; and

46 (B) required to be collected by the holder and remitted to the



- 1           taxing entity;
- 2           including the state gross retail and use taxes (IC 6-2.5) and the
- 3           utility receipts tax (IC 6-2.3).
- 4           (8) Any forgone revenue from providing free or reduced cost
- 5           cable video service to any person, including:
- 6                (A) employees of the holder;
- 7                (B) the unit; or
- 8                (C) public institutions, public schools, or other governmental
- 9                entities, as required or permitted by this chapter or by federal
- 10           law.
- 11          However, any revenue that the holder chooses to forgo in
- 12          exchange for goods or services through a trade or barter
- 13          arrangement shall be included in gross revenue.
- 14          (9) Revenue from the sale of:
- 15                (A) capital assets; or
- 16                (B) surplus equipment that is not used by the purchaser to
- 17                receive video service from the holder.
- 18          (10) Reimbursements that:
- 19                (A) are made by programmers to the holder for marketing
- 20                costs incurred by the holder for the introduction of new
- 21                programming; and
- 22                (B) exceed the actual costs incurred by the holder.
- 23          (11) Late payment fees collected from customers.
- 24          (12) Charges, other than those described in subsection ~~(b)(1)~~;
- 25          (c)(1), that are aggregated or bundled with charges described in
- 26          subsection ~~(b)(1)~~ (c)(1) on a customer's bill, if the holder can
- 27          reasonably identify the charges on the books and records by the
- 28          holder in the regular course of business.
- 29          (e) If, under the terms of the holder's certificate, the holder provides
- 30          video service to any unincorporated area in Indiana, the holder shall
- 31          calculate the holder's gross income received from each unincorporated
- 32          area served in accordance with:
- 33                (1) subsection (b); or
- 34                (2) subsections (c) and (d);
- 35          whichever is applicable.
- 36          (f) If a unit served by the holder under a certificate annexes any
- 37          territory after the certificate is issued or renewed under this chapter, the
- 38          holder shall:
- 39                (1) include in the calculation of gross revenue for the annexing
- 40                unit any revenue generated by the holder from providing video
- 41                service to the annexed territory; and
- 42                (2) subtract from the calculation of gross revenue for any unit or
- 43                unincorporated area:
- 44                    (A) of which the annexed territory was formerly a part; and
- 45                    (B) served by the holder before the effective date of the
- 46                annexation;



the amount of gross revenue determined under subdivision (1); beginning with the calculation of gross revenue for the calendar quarter in which the annexation becomes effective. The holder shall notify the commission of the new boundaries of the affected service areas as required under section 20(a)(7) of this chapter.

SECTION 21. IC 9-17-2-9, AS AMENDED BY P.L.219-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section does not apply to a motor vehicle requiring a certificate of title under section ~~1(a)(2)~~ **1(b)(2)** or 1.5 of this chapter.

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 22. IC 10-14-3-19, AS AMENDED BY P.L.84-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The governor, or the executive director at the request of the governor, may establish the number of mobile support units necessary to respond to a disaster, public health emergency, public safety emergency, or other event that requires emergency action. A mobile support unit may consist of ~~at least one (1) individual~~ **or more individuals**. The executive director shall appoint a commander for each unit who has primary responsibility for the:

- (1) organization;
- (2) administration; and
- (3) operation;

of the unit. Mobile support units shall be called to duty for training, an exercise, or a response upon orders of the governor or the executive director and shall perform the units' functions in any part of Indiana or in other states, upon the conditions specified in this section. The term of this duty shall be for a limited period of not more than sixty (60) days. However, the executive director may renew the duty orders for successive periods of not more than sixty (60) days if necessary for the mobile support unit to participate in or respond to the event. Members serving on the mobile support units are immune from discipline or termination by the members' employers for serving in the units.

(b) An individual selected to serve as a member of a mobile support unit may be unemployed, retired, self-employed, or employed:

- (1) in any capacity, including:
  - (A) emergency management;
  - (B) fire services;
  - (C) emergency medical services;
  - (D) law enforcement;
  - (E) public health;
  - (F) medicine;



- 1 (G) public works; or
- 2 (H) mental health; and
- 3 (2) by any employer, including:
- 4 (A) the federal government;
- 5 (B) the state;
- 6 (C) a political subdivision; or
- 7 (D) a business or organization.
- 8 (c) While on duty for training, an exercise, or a response, an
- 9 individual serving as a member of a mobile support unit, whether
- 10 within or outside Indiana:
- 11 (1) if the individual is an employee of the state or a political
- 12 subdivision of the state, whether serving within or outside the
- 13 political subdivision, ~~the individual~~ has the:
- 14 (A) powers;
- 15 (B) duties;
- 16 (C) rights;
- 17 (D) privileges; and
- 18 (E) immunities;
- 19 and shall receive the compensation and benefits incidental to the
- 20 individual's employment; and
- 21 (2) if the individual is not an employee of the state or a political
- 22 subdivision of the state, ~~the individual~~ is entitled to the same
- 23 rights and immunities that are provided for an employee of the
- 24 state.
- 25 An individual described in this subsection is considered an emergency
- 26 management worker for purposes of section 15 of this chapter.
- 27 (d) If a mobile support unit is deployed outside Indiana under the
- 28 emergency management assistance compact, an individual serving as
- 29 a member of the mobile support unit who is not an employee of the
- 30 state is considered an employee of the state for purposes of the
- 31 compact.
- 32 (e) Personnel of mobile support units, while on duty, are subject to
- 33 the operational control of the authority in charge of emergency
- 34 management activities in the area in which the personnel are serving.
- 35 (f) The state may reimburse a political subdivision for:
- 36 (1) the compensation paid and actual and necessary travel,
- 37 subsistence, and maintenance expenses of an employee of the
- 38 political subdivision while the employee is serving as a member
- 39 of a mobile support unit;
- 40 (2) all payments for death, disability, or injury of an employee
- 41 incurred in the course of duty while the employee was serving as
- 42 a member of a mobile support unit; and
- 43 (3) all losses of or damage to supplies and equipment of the
- 44 political subdivision or the employee incurred while the employee
- 45 was serving as a member of a mobile support unit.
- 46 (g) For an individual of a mobile support unit who is not an



employee of the state or a ~~public~~ **political** subdivision, the state may:

(1) compensate the individual:

(A) at a rate of pay approved by the executive director;

(B) by reimbursing the individual for the actual and necessary:

(i) travel;

(ii) subsistence; and

(iii) maintenance;

expenses of the individual of the mobile support unit incurred while the individual is on duty as a member of a mobile support unit; and

(C) for all losses of or damage to supplies and equipment of the individual incurred while the individual is on duty as a member of a mobile support unit; or

(2) reimburse the individual's employer for:

(A) the compensation paid and the actual and necessary:

(i) travel;

(ii) subsistence; and

(iii) maintenance;

expenses of the employee while the employee is on duty as a member of a mobile support unit;

(B) all payments for:

(i) death;

(ii) disability; or

(iii) injury;

of the employee while the employee was on duty as a member of a mobile support unit; and

(C) all losses of or damage to supplies and equipment of the employer or the employee incurred in the course of duty while the employee was on duty as a member of a mobile support unit.

(h) An officer or employee of the state by virtue of employment is subject to assignment:

(1) on a permanent basis to a mobile support unit in accordance with the state:

(A) emergency management program; and

(B) emergency operations plan; or

(2) on a temporary basis to an emergency management activity to meet a particular need in the event of an emergency.

Refusal to accept and perform the duties of an assignment constitutes grounds for dismissal from state employment.

SECTION 23. IC 11-8-8-11, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) If a sex offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place



1 where the sex offender stays in Indiana;  
 2 the sex offender shall register not more than seventy-two (72) hours  
 3 after the address change with the local law enforcement authority with  
 4 whom the sex offender last registered.

5 (b) If a sex offender moves to a new county in Indiana, the local law  
 6 enforcement authority referred to in subsection (a) shall inform the  
 7 local law enforcement authority in the new county in Indiana of the sex  
 8 offender's residence and forward all relevant registration information  
 9 concerning the sex offender to the local law enforcement authority in  
 10 the new county. The local law enforcement authority receiving notice  
 11 under this subsection shall verify the address of the sex offender under  
 12 section 13 of this chapter not more than seven (7) days after receiving  
 13 the notice.

14 (c) If a sex offender who is required to register under section 7(a)(2)  
 15 or 7(a)(3) of this chapter changes the sex offender's principal place of  
 16 employment, principal place of vocation, or campus or location where  
 17 the sex offender is enrolled in school, the sex offender shall register not  
 18 more than seventy-two (72) hours after the change with the local law  
 19 enforcement authority with whom the sex offender last registered.

20 (d) If a sex offender moves the sex offender's place of employment,  
 21 vocation, or enrollment to a new county in Indiana, the local law  
 22 enforcement authority referred to in subsection (c) shall inform the  
 23 local law enforcement authority in the new county of the sex offender's  
 24 new principal place of employment, vocation, or enrollment by  
 25 forwarding relevant registration information to the local law  
 26 enforcement authority in the new county.

27 (e) If a sex offender moves the sex offender's residence, place of  
 28 employment, vocation, or enrollment to a new state, the local law  
 29 enforcement authority shall inform the state police in the new state of  
 30 the sex offender's new place of residence, employment, **vocation**, or  
 31 enrollment.

32 (f) A local law enforcement authority shall make registration  
 33 information, including information concerning the duty to register and  
 34 the penalty for failing to register, available to a sex offender.

35 (g) A local law enforcement authority who is notified of a change  
 36 under subsection (a) or (c) shall immediately update the Indiana sex  
 37 offender registry web site established under IC 36-2-13-5.5.

38 SECTION 24. IC 12-10-6-3 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division,  
 40 in cooperation with the state department of health taking into account  
 41 licensure requirements under IC 16-28, shall adopt rules under  
 42 IC 4-22-2 governing the reimbursement to facilities under ~~section 2~~  
 43 **section 2.1** of this chapter. The rules must be designed to determine the  
 44 costs that must be incurred by efficiently and economically operated  
 45 facilities in order to provide room, board, laundry, and other services,  
 46 along with minimal administrative direction to individuals who receive



1 residential care in the facilities under ~~section 2~~ **section 2.1** of this  
 2 chapter. A rule adopted under this subsection by:

- 3 (1) the division; or
- 4 (2) the state department of health;

5 must conform to the rules for residential care facilities that are licensed  
 6 under IC 16-28.

7 (b) Any rate established under ~~section 2~~ **section 2.1** of this chapter  
 8 may be appealed according to the procedures under IC 4-21.5.

9 (c) The division shall annually review each facility's rate using the  
 10 following:

- 11 (1) Generally accepted accounting principles.
- 12 (2) The costs incurred by efficiently and economically operated
- 13 facilities in order to provide care and services in conformity with
- 14 quality and safety standards and applicable laws and rules.

15 SECTION 25. IC 12-10-6-4 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An individual  
 17 who:

- 18 (1) is receiving residential care assistance under section 1 or ~~2~~ **2.1**
- 19 of this chapter; and
- 20 (2) has an increase in income that would make the individual
- 21 ineligible for residential care assistance;

22 may elect to continue to be eligible for residential care assistance by  
 23 paying the excess income to the home or facility that provides  
 24 residential care.

25 (b) If an individual applies the excess income toward the residential  
 26 care assistance under subsection (a), the division shall reduce the  
 27 payment to the home or facility that provides residential care by the  
 28 amount received by the home or facility.

29 SECTION 26. IC 13-15-4-2 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section  
 31 does not apply to permit applications described in section ~~1(1)~~ **1(a)(1)**  
 32 or ~~1(2)~~ **1(a)(2)** of this chapter.

33 (b) If the department determines that a public hearing should be  
 34 held under:

- 35 (1) IC 13-15-3-3; or
- 36 (2) any other applicable rule or law;

37 the commissioner has thirty (30) days in addition to the number of days  
 38 provided for in section 1 of this chapter in which to approve or deny the  
 39 application.

40 SECTION 27. IC 14-32-8-8, AS AMENDED BY P.L.175-2006,  
 41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 UPON PASSAGE]: Sec. 8. (a) In addition to funds provided to a  
 43 district under section 7 of this chapter or from any other source, the  
 44 division of soil conservation shall pay to the district one dollar (\$1) for  
 45 every one dollar (\$1) the district receives from a political subdivision.

46 (b) The state is not obligated to match more than ten thousand



dollars (\$10,000) under this section.

(c) In order to receive funding under this section each year, a district must certify to the division of soil conservation the amount of money the district received from all political subdivisions during the one (1) year period beginning January 1 of the previous year. The information prepared under this subsection must be part of the ~~report prepared~~ **annual financial statement prepared and provided to the board** under IC 14-32-4-22. The division of soil conservation shall make distributions under this section not later than July 15 of each year.

(d) Before making distributions under this section, the division of soil conservation shall determine the total amount of money that has been certified by all districts as having been provided by political subdivisions. If the cumulative amount to be distributed to all districts exceeds the amount appropriated to the fund, the division of soil conservation shall reduce the distribution to each district proportionately.

(e) A district must spend money received under this section for the purposes of the district.

SECTION 28. IC 16-41-9-1.5, AS ADDED BY P.L.138-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) If ~~the~~ **a** public health authority has reason to believe that:

(1) an individual:

(A) has been infected with; or

(B) has been exposed to;

a dangerous communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must be verified and include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual, including a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the court finds that the individual's personal appearance is likely to expose an uninfected person to a dangerous communicable disease or outbreak.

(c) If an individual is restricted from appearing in person under subsection (b), the court shall hold the hearing in a manner that allows





all parties to fully and safely participate in the proceedings under the circumstances.

(d) If the public health authority proves by clear and convincing evidence that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may issue an order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(e) If the public health authority has reason to believe that an individual described in subsection (a) is likely to expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard, the public health authority may seek in a circuit or superior court an emergency order of quarantine or isolation by filing a verified petition for emergency quarantine or isolation. The verified petition must include a brief description of the facts supporting the public health authority's belief that:

(1) isolation or quarantine should be imposed on an individual; and

(2) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard.

The verified petition must include a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(f) If the public health authority proves by clear and convincing evidence that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak;

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; and

(3) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard;

the court may issue an emergency order imposing isolation or quarantine on the individual. The court shall establish the duration and other conditions of isolation or quarantine. The court shall impose the



1 least restrictive conditions of isolation or quarantine that are consistent  
2 with the protection of the public.

3 (g) A court may issue an emergency order of isolation or quarantine  
4 without the verified petition required under subsection (e) if the court  
5 receives sworn testimony of the same facts required in the verified  
6 petition:

- 7 (1) in a nonadversarial, recorded hearing before the judge;
- 8 (2) orally by telephone or radio;
- 9 (3) in writing by facsimile transmission (fax); or
- 10 (4) through other electronic means approved by the court.

11 If the court agrees to issue an emergency order of isolation or  
12 quarantine based upon information received under subdivision (2), the  
13 court shall direct the public health authority to sign the judge's name  
14 and to write the time and date of issuance on the proposed emergency  
15 order. If the court agrees to issue an emergency order of isolation or  
16 quarantine based upon information received under subdivision (3), the  
17 court shall direct the public health authority to transmit a proposed  
18 emergency order to the court, which the court shall sign, add the date  
19 of issuance, and transmit back to the public health authority. A court  
20 may modify the conditions of a proposed emergency order.

21 (h) If an emergency order of isolation or quarantine is issued under  
22 subsection (g)(2), the court shall record the conversation on audiotape  
23 and order the court reporter to type or transcribe the recording for entry  
24 in the record. The court shall certify the audiotape, the transcription,  
25 and the order retained by the judge for entry in the record.

26 (i) If an emergency order of isolation or quarantine is issued under  
27 subsection (g)(3), the court shall order the court reporter to retype or  
28 copy the facsimile transmission for entry in the record. The court shall  
29 certify the transcription or copy and order retained by the judge for  
30 entry in the record.

31 (j) The clerk shall notify the public health authority who received an  
32 emergency order under subsection (g)(2) or (g)(3) when the  
33 transcription or copy required under this section is entered in the  
34 record. The public health authority shall sign the typed, transcribed, or  
35 copied entry upon receiving notice from the court reporter.

36 (k) The public health authority may issue an immediate order  
37 imposing isolation or quarantine on an individual if exigent  
38 circumstances, including the number of affected individuals, exist that  
39 make it impracticable for the public health authority to seek an order  
40 from a court, and obtaining the individual's voluntary compliance is or  
41 has proven impracticable or ineffective. An immediate order of  
42 isolation or quarantine expires after seventy-two (72) hours, excluding  
43 Saturdays, Sundays, and legal holidays, unless renewed in accordance  
44 with subsection (l). The public health authority shall establish the other  
45 conditions of isolation or quarantine. The public health authority shall  
46 impose the least restrictive conditions of isolation or quarantine that are



consistent with the protection of the public. If the immediate order applies to a group of individuals and it is impracticable to provide individual notice, the public health authority shall post a copy of the order where it is likely to be seen by individuals subject to the order.

(l) The public health authority may seek to renew an order of isolation or quarantine or an immediate order of isolation or quarantine issued under this section by doing the following:

(1) By filing a petition to renew the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with:

(A) the court that granted the emergency order of isolation or quarantine; or

(B) a circuit or superior court, in the case of an immediate order.

The petition for renewal must include a brief description of the facts supporting the public health authority's belief that the individual who is the subject of the petition should remain in isolation or quarantine and a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(2) By providing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with a copy of the petition and notice of the hearing at least twenty-four (24) hours before the time of the hearing.

(3) By informing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine that the individual has the right to:

(A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a dangerous communicable disease or outbreak;

(B) cross-examine witnesses; and

(C) counsel, including court appointed counsel in accordance with subsection (c).

(4) If:

(A) the petition applies to a group of individuals; and

(B) it is impracticable to provide individual notice;

by posting the petition in a conspicuous location on the isolation or quarantine premises.

(m) If the public health authority proves by clear and convincing evidence at a hearing under subsection (l) that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;



the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(n) Unless otherwise provided by law, a petition for isolation or quarantine, or a petition to renew an immediate order for isolation or quarantine, may be filed in a circuit or superior court in any county. Preferred venue for a petition described in this subsection is:

- (1) the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located; or
- (2) a county adjacent to the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located.

This subsection does not preclude a change of venue for good cause shown.

(o) Upon the motion of any party, or upon its own motion, a court may consolidate cases for a hearing under this section if:

- (1) the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;
- (2) the law and the facts concerning the individuals are similar; and
- (3) the individuals have similar rights at issue.

A court may appoint an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented.

An individual may retain his or her own counsel or proceed pro se.

(p) A public health authority that imposes a quarantine that is not in the person's home:

- (1) shall allow the parent or guardian of a child who is quarantined under this section; and
- (2) may allow an adult;

to remain with the quarantined individual in quarantine. As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a dangerous communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not violate a constitutional right.

(q) If an individual who is quarantined under this section is the sole parent or guardian of one (1) or more children who are not quarantined, the child or children shall be placed in the residence of a relative, friend, or neighbor of the quarantined individual until the quarantine



period has expired. Placement under this subsection must be in accordance with the directives of the parent or guardian, if possible.

(r) State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

(s) The court shall appoint an attorney to represent an indigent individual in an action brought under this chapter or under IC 16-41-6. If funds to pay for the court appointed attorney are not available from any other source, the state department may use the proceeds of a grant or loan to reimburse the county, state, or attorney for the costs of representation.

(t) A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor.

(u) The state department shall adopt rules under IC 4-22-2 to implement this section, including rules to establish guidelines for:

- (1) voluntary compliance with isolation and quarantine;
- (2) quarantine locations and logistical support; and
- (3) moving individuals to and from a quarantine location.

The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

SECTION 29. IC 16-41-9-1.6, AS ADDED BY P.L.138-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.6. (a) A public health authority may impose or petition a court to impose a quarantine and do the following:

- (1) Distribute information to the public concerning:
  - (A) the risks of the disease;
  - (B) how the disease is transmitted;
  - (C) available precautions to reduce the risk of contracting the disease;
  - (D) the symptoms of the disease; and
  - (E) available medical or nonmedical treatments available for the disease.
- (2) Instruct the public concerning social distancing.
- (3) Request that the public inform the public health authority or a law enforcement agency if a family member contracts the disease.
- (4) Instruct the public on self quarantine and provide a distinctive means of identifying a home that is self quarantined.
- (5) Instruct the public on the use of masks, gloves, disinfectant, and other means of reducing exposure to the disease.
- (6) Close schools, athletic events, and other nonessential situations in which people gather.

(7) If a quarantine is imposed under section 1.5 of this chapter, the public health authority shall ensure that, to the extent possible,



1 quarantined individuals have sufficient supplies to remain in their own  
2 home.

3 (b) If an out of home, nonhospital quarantine is imposed on an  
4 individual, the individual shall be housed as close as possible to the  
5 individual's residence.

6 (c) In exercising the powers described in this section or in section  
7 1.5 of this chapter, the public health authority may not prohibit a  
8 person lawfully permitted to possess a firearm from possessing one (1)  
9 or more firearms unless the person is quarantined in a mass quarantine  
10 location. The public health authority may not remove a firearm from  
11 the person's home, even if the person is quarantined in a mass  
12 quarantine location.

13 (d) This section does not prohibit a public health authority from  
14 adopting rules and enforcing rules to implement this section if the rules  
15 are not inconsistent with this section.

16 SECTION 30. IC 16-41-9-8, AS AMENDED BY P.L.138-2006,  
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 UPON PASSAGE]: Sec. 8. (a) ~~The~~ A local health officer may file a  
19 report with the court that states that a carrier who has been detained  
20 under this article may be discharged without danger to the health or life  
21 of others.

22 (b) The court may enter an order of release based on information  
23 presented by the local health officer or other sources.

24 SECTION 31. IC 20-19-2-20, AS ADDED BY P.L.185-2006,  
25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 UPON PASSAGE]: Sec. 20. The state board shall design a high school  
27 diploma to be granted to individuals who successfully complete a high  
28 school fast track to college program under IC 20-12-13-6,  
29 **IC 20-12-75-14, or ~~IC 23-13-18-28. IC 23-13-18-29.~~**

30 SECTION 32. IC 20-23-4-38, AS ADDED BY P.L.1-2005,  
31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]: Sec. 38. (a) Whenever an entire county has been  
33 reorganized under this chapter or IC 20-23-16-1 through  
34 IC 20-23-16-11, by the creation of a community school corporation or  
35 corporations for the entire county, the county committee shall be  
36 dissolved. Where the term of any member of a county committee  
37 expires before the time of dissolution of the county committee, the  
38 judge shall fill a vacancy by replacement or reappointment for a term  
39 of four (4) years in accordance with sections 11 through 15 of this  
40 chapter. ~~and IC 20-23-16-2:~~ In the event the membership of an entire  
41 county committee shall at any time be vacant by resignation or  
42 otherwise, the judge shall appoint a new county committee in  
43 accordance with sections 11 through 15 of this chapter. ~~or~~  
44 ~~IC 20-23-16-2:~~

45 (b) After a county committee has been dissolved, if the local  
46 governing body or the state superintendent considers further



1 reorganization necessary to improve educational opportunities for the  
 2 students in the county, the local school trustees or the state  
 3 superintendent shall submit proposed changes to the state board. If the  
 4 changes proposed by the local governing body or the state  
 5 superintendent are approved by the state board, the proposal becomes  
 6 effective under the procedure specified in sections 20 through 24 of  
 7 this chapter so far as the same are applicable.

8 SECTION 33. IC 20-33-3-38.5, AS ADDED BY P.L.182-2006,  
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 38.5. (a) For an hour violation under sections  
 11 22 through 28 of this chapter or a violation of section 23(3) or 24(3) of  
 12 this chapter committed by a child, the civil penalties are as follows:

13 (1) A warning letter for a first violation.

14 (2) Revocation of the employment certificate or certificates held  
 15 by the child for thirty (30) calendar days.

16 (b) The department of labor shall assess the civil penalties set forth  
 17 in subsection (a).

18 (c) If the department of labor revokes an employment certificate  
 19 under this section, the issuing officer and the child's employer shall be  
 20 notified in writing. This notice may be delivered in person or by  
 21 registered mail. Immediately after receiving notice of revocation, the  
 22 employer shall return the certificate to the issuing officer.

23 (d) A child whose employment certificate or certificates have been  
 24 revoked may not be employed or allowed to work until the child legally  
 25 has obtained a new employment certificate.

26 SECTION 34. IC 20-44-3-1, AS ADDED BY P.L.2-2006,  
 27 SECTION 167, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter,  
 29 "fund" refers to a levy excess fund established under ~~section 4 of this~~  
 30 ~~chapter.~~ **IC 20-40-10-2.**

31 SECTION 35. IC 20-46-5-11, AS ADDED BY P.L.2-2006,  
 32 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE UPON PASSAGE]: Sec. 11. If a public hearing is  
 34 scheduled under this ~~section;~~ **chapter,** the governing body shall publish  
 35 a notice of the public hearing and the proposed plan or amendment to  
 36 the plan in accordance with IC 5-3-1-2(b).

37 SECTION 36. IC 20-48-1-2, AS ADDED BY P.L.2-2006,  
 38 SECTION 171, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section,  
 40 "retirement or severance liability" means the payments anticipated to  
 41 be required to be made to employees of a school corporation upon or  
 42 after termination of the employment of the employees by the school  
 43 corporation under an existing or previous employment agreement.

44 (b) This section applies to each school corporation that:

45 (1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or

46 (2) issued bonds under IC 20-5-4-1.7:



(A) before April 14, 2003; or

(B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) ~~The A~~ school corporation **described in subsection (b)(1) or (b)(2)(A)** must issue the bonds before July 1, 2006. **A school corporation described in subsection (b)(2)(B) must file a petition with the department of local government finance under IC 6-1.1-19-8 requesting approval to incur bond indebtedness under this section before July 1, 2006.**

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 (before its repeal); or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7 (before its repeal); minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7 (before its repeal);

for a school corporation that issued bonds under IC 20-5-4-1.7 ~~before April 14, 2003; as described in subsection (b)(2).~~

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, and art association and historical society funds, as appropriate, in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.





(e) Bonds issued under this section are not subject to the petition and remonstrance process under IC 6-1.1-20 or to the limitations contained in IC 36-1-15.

SECTION 37. IC 21-7-4.5-5, AS ADDED BY P.L.2-2006, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The state board of finance shall direct all disbursement from the fund. The auditor of state shall draw the auditor of state's warrant on the treasurer of state, on a properly itemized voucher officially approved by:

(1) the president of the state board of finance; or

(2) in the absence of the president, any member of the state board of finance.

(b) Except as otherwise provided by this chapter, all securities purchased for the fund shall be deposited with and remain in the custody of the state board of finance. The state board of finance shall collect all interest or other income accruing on the securities, when due, together with the principal of the securities when the principal matures and is due. Except as provided by subsection (c), all money collected under this subsection shall be credited to the proper fund account on the records of the auditor of state and the collection shall be deposited with the treasurer of state and reported to the state board of finance.

(c) All money collected under an agreement that is sold, transferred, or liquidated under ~~IC 21-49-4-23~~ **IC 20-49-4-23** shall be immediately transferred to the purchaser, transferee, or assignee of the agreement.

SECTION 38. IC 22-3-3-13, AS AMENDED BY P.L.134-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) As used in this section, "board" refers to the worker's compensation board created under IC 22-3-1-1.

(b) If an employee who from any cause, had lost, or lost the use of, one (1) hand, one (1) arm, one (1) foot, one (1) leg, or one (1) eye, and in a subsequent industrial accident becomes permanently and totally disabled by reason of the loss, or loss of use of, another such member or eye, the employer shall be liable only for the compensation payable for such second injury. However, in addition to such compensation and after the completion of the payment therefor, the employee shall be paid the remainder of the compensation that would be due for such total permanent disability out of a special fund known as the second injury fund, and created in the manner described in subsection (c).

(c) Whenever the board determines under the procedures set forth in subsection (d) that an assessment is necessary to ensure that fund beneficiaries, including applicants under section 4(e) of this chapter, continue to receive compensation in a timely manner for a reasonable prospective period, the board shall send notice not later than November 1 in any year to:

(1) all insurance carriers and other entities insuring or providing



1 coverage to employers who are or may be liable under this article  
 2 to pay compensation for personal injuries to or the death of their  
 3 employees under this article; and

4 (2) each employer carrying the employer's own risk;

5 stating that an assessment is necessary. Not later than January 31 of the  
 6 following year, each entity identified in subdivisions (1) and (2) shall  
 7 send to the board a statement of total paid losses and premiums (as  
 8 defined in subsection (d)(4)) paid by employers during the previous  
 9 calendar year. The board may conduct an assessment under this  
 10 subsection not more than one (1) time annually. The total amount of the  
 11 assessment may not exceed two and one-half percent (2.5%) of the total  
 12 amount of all worker's compensation paid to injured employees or their  
 13 beneficiaries under IC 22-3-2 through IC 22-3-6 for the calendar year  
 14 next preceding the due date of such payment. The board shall assess a  
 15 penalty in the amount of ten percent (10%) of the amount owed if  
 16 payment is not made under this section within thirty (30) days from the  
 17 date set by the board. If the amount to the credit of the second injury  
 18 fund on or before November 1 of any year exceeds one hundred  
 19 thirty-five percent (135%) of the previous year's disbursements, the  
 20 assessment allowed under this subsection shall not be assessed or  
 21 collected during the ensuing year. But when on or before November 1  
 22 of any year the amount to the credit of the fund is less than one hundred  
 23 thirty-five percent (135%) of the previous year's disbursements, the  
 24 payments of not more than two and one-half percent (2.5%) of the total  
 25 amount of all worker's compensation paid to injured employees or their  
 26 beneficiaries under IC 22-3-2 through IC 22-3-6 for the calendar year  
 27 next preceding that date shall be resumed and paid into the fund. The  
 28 board may not use an assessment rate greater than twenty-five  
 29 hundredths of one percent (0.25%) above the amount recommended by  
 30 the study performed before the assessment.

31 (d) The board shall assess all employers for the liabilities, including  
 32 administrative expenses, of the second injury fund. The assessment  
 33 also must provide for the repayment of all loans made to the second  
 34 injury fund for the purpose of paying valid claims. The following  
 35 applies to assessments under this subsection:

36 (1) The portion of the total amount that must be collected from  
 37 self-insured employers equals:

38 (A) the total amount of the assessment as determined by the  
 39 board; multiplied by

40 (B) the quotient of:

41 (i) the total paid losses on behalf of all self-insured  
 42 employers during the preceding calendar year; divided by

43 (ii) the total paid losses on behalf of all self-insured  
 44 employers and insured employers during the preceding  
 45 calendar year.

46 (2) The portion of the total amount that must be collected from



insured employers equals:

(A) the total amount of the assessment as determined by the board; multiplied by

(B) the quotient of:

(i) the total paid losses on behalf of all insured employers during the preceding calendar year; divided by

(ii) the total paid losses on behalf of all self-insured employers and insured employers during the preceding calendar year.

(3) The total amount of assessments allocated to insured employers under subdivision (2) must be collected by the insured employers' worker's compensation insurers. The amount of the assessment for each insured employer equals:

(A) the total amount of assessments allocated to insured employers under subdivision ~~(3)~~; (2); multiplied by

(B) the quotient of:

(i) the worker's compensation premiums paid by the insured employer during the preceding calendar year; divided by

(ii) the worker's compensation premiums paid by all insured employers during the preceding calendar year.

(4) For purposes of the computation made under subdivision (3), "premium" means the entire written premium resulting from standard rating procedures and before the application of any of the following:

(A) Rate deviations.

(B) Premium discounts.

(C) Policyholder dividends.

(D) Premium adjustments under a retrospective rating plan.

(E) Premium credits provided under large deductible programs.

(F) Any other premium debits or credits.

(5) The amount of the assessment for each self-insured employer equals:

(A) the total amount of assessments allocated to self-insured employers under subdivision (1); multiplied by

(B) the quotient of:

(i) the paid losses attributable to the self-insured employer during the preceding calendar year; divided by

(ii) paid losses attributable to all self-insured employers during the preceding calendar year.

An employer that has ceased to be a self-insurer continues to be liable for prorated assessments based on paid losses made by the employer in the preceding calendar year during the period that the employer was self-insured.

(e) The board may employ a qualified employee or enter into a contract with an actuary or another qualified firm that has experience



1 in calculating worker's compensation liabilities. Not later than  
 2 December 1 of each year, the actuary or other qualified firm shall  
 3 calculate the recommended funding level of the fund and inform the  
 4 board of the results of the calculation. If the amount to the credit of the  
 5 fund is less than the amount required under subsection (c), the board  
 6 may conduct an assessment under subsection (c). The board shall pay  
 7 the costs of the contract under this subsection with money in the fund.

8 (f) An assessment collected under subsection (c) on an employer  
 9 who is not self-insured must be assessed through a surcharge based on  
 10 the employer's premium. An assessment collected under subsection (c)  
 11 does not constitute an element of loss, but for the purpose of collection  
 12 shall be treated as a separate cost imposed upon insured employers. A  
 13 premium surcharge under this subsection must be collected at the same  
 14 time and in the same manner in which the premium for coverage is  
 15 collected, and must be shown as a separate amount on a premium  
 16 statement. A premium surcharge under this subsection must be  
 17 excluded from the definition of premium for all purposes, including the  
 18 computation of insurance producer commissions or premium taxes.  
 19 However, an insurer may cancel a worker's compensation policy for  
 20 nonpayment of the premium surcharge. A cancellation under this  
 21 subsection must be carried out under the statutes applicable to the  
 22 nonpayment of premiums.

23 (g) The sums shall be paid by the board to the treasurer of state, to  
 24 be deposited in a special account known as the second injury fund. The  
 25 funds are not a part of the general fund of the state. Any balance  
 26 remaining in the account at the end of any fiscal year shall not revert  
 27 to the general fund. The funds shall be used only for the payment of  
 28 awards of compensation ordered by the board and chargeable against  
 29 the fund pursuant to this section, and shall be paid for that purpose by  
 30 the treasurer of state upon award or order of the board.

31 (h) If an employee who is entitled to compensation under IC 22-3-2  
 32 through IC 22-3-6 either:

33 (1) exhausts the maximum benefits under section 22 of this  
 34 chapter without having received the full amount of award granted  
 35 to the employee under section 10 of this chapter; or

36 (2) exhausts the employee's benefits under section 10 of this  
 37 chapter;

38 then such employee may apply to the board, who may award the  
 39 employee compensation from the second injury fund established by this  
 40 section, as follows under subsection (i).

41 (i) An employee who has exhausted the employee's maximum  
 42 benefits under section 10 of this chapter may be awarded additional  
 43 compensation equal to sixty-six and two-thirds percent (66 2/3%) of the  
 44 employee's average weekly wage at the time of the employee's injury,  
 45 not to exceed the maximum then applicable under section 22 of this  
 46 chapter, for a period of not to exceed one hundred fifty (150) weeks



1 upon competent evidence sufficient to establish:

2 (1) that the employee is totally and permanently disabled from  
3 causes and conditions of which there are or have been objective  
4 conditions and symptoms proven that are not within the physical  
5 or mental control of the employee; and

6 (2) that the employee is unable to support the employee in any  
7 gainful employment, not associated with rehabilitative or  
8 vocational therapy.

9 (j) The additional award may be renewed during the employee's total  
10 and permanent disability after appropriate hearings by the board for  
11 successive periods not to exceed one hundred fifty (150) weeks each.  
12 The provisions of this section apply only to injuries occurring  
13 subsequent to April 1, 1950, for which awards have been or are in the  
14 future made by the board under section 10 of this chapter. Section 16  
15 of this chapter does not apply to compensation awarded from the  
16 second injury fund under this section.

17 (k) All insurance carriers subject to an assessment under this section  
18 are required to provide to the board:

19 (1) not later than January 31 each calendar year; and

20 (2) not later than thirty (30) days after a change occurs;

21 the name, address, and electronic mail address of a representative  
22 authorized to receive the notice of an assessment.

23 SECTION 39. IC 22-3-4-13 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Every  
25 employer shall keep a record of all injuries, fatal or otherwise, received  
26 by or claimed to have been received by ~~his~~ **the employer's** employees  
27 in the course of their employment. Within seven (7) days after the  
28 occurrence and knowledge thereof, as provided in IC 22-3-3-1, of any  
29 injury to an employee causing ~~his~~ death or ~~his~~ absence from work for  
30 more than one (1) day, a report thereof shall be made in writing and  
31 mailed to the employer's insurance carrier or, if the employer is self  
32 insured, delivered to the worker's compensation board in the manner  
33 provided in subsections (b) and (c). The insurance carrier shall deliver  
34 the report to the worker's compensation board in the manner provided  
35 in subsections (b) and (c) not later than seven (7) days after receipt of  
36 the report or fourteen (14) days after the employer's knowledge of the  
37 injury, whichever is later. An employer or insurance carrier that fails  
38 to comply with this subsection is subject to a civil penalty of fifty  
39 dollars (\$50), to be assessed and collected by the board. Civil penalties  
40 collected under this section shall be deposited in the state general fund.

41 (b) All insurance carriers, companies who carry risk without  
42 insurance, and third party administrators reporting accident information  
43 to the board in compliance with subsection (a) shall:

44 (1) report the information using electronic data interchange  
45 standards prescribed by the board no later than June 30, 1999; or

46 (2) in the alternative, the reporting entity shall have an



1 implementation plan approved by the board no later than June 30,  
 2 2000, that provides for the ability to report the information using  
 3 electronic data interchange standards prescribed by the board no  
 4 later than December 31, 2000.

5 Prior to the June 30, 2000, and December 31, 2000, deadlines, the  
 6 reporting entity may continue to report accidents to the board by mail  
 7 in compliance with subsection (a).

8 (c) The report shall contain the name, nature, and location of the  
 9 business of the employer, the name, age, sex, wages, occupation of the  
 10 injured employee, the date and hour of the accident causing the alleged  
 11 injury, the nature and cause of the injury, and such other information  
 12 as may be required by the board.

13 (d) A person who violates any provision of this article, except  
 14 IC 22-3-5-1, ~~or IC 22-3-7-34(a)~~ **IC 22-3-7-34(b)**, or ~~IC 22-3-7-34(b)~~,  
 15 **IC 22-3-7-34(c)**, commits a Class C infraction. A person who violates  
 16 IC 22-3-5-1, ~~or IC 22-3-7-34(a)~~ or IC 22-3-7-34(b), **or IC 22-3-7-34(c)**  
 17 commits a Class A infraction. The worker's compensation board in the  
 18 name of the state may seek relief from any court of competent  
 19 jurisdiction to enjoin any violation of this article.

20 (e) The venue of all criminal actions under this section lies in the  
 21 county in which the employee was injured. The prosecuting attorney of  
 22 the county shall prosecute all such violations upon written request of  
 23 the worker's compensation board. Such violations shall be prosecuted  
 24 in the name of the state.

25 (f) In an action before the board against an employer who at the time  
 26 of the injury to or occupational disease of an employee had failed to  
 27 comply with IC 22-3-5-1, ~~or IC 22-3-7-34(a)~~ or IC 22-3-7-34(b), **or**  
 28 **IC 22-3-7-34(c)**, the board may award to the employee or the  
 29 dependents of a deceased employee:

- 30 (1) compensation not to exceed double the compensation
- 31 provided by this article;
- 32 (2) medical expenses; and
- 33 (3) reasonable attorney fees in addition to the compensation and
- 34 medical expenses.

35 (g) In an action under subsection (c) the court may:

- 36 (1) order the employer to cease doing business in Indiana until the
- 37 employer furnishes proof of insurance as required by IC 22-3-5-1
- 38 and ~~IC 22-3-7-34(a)~~ or IC 22-3-7-34(b) **or IC 22-3-7-34(c)**;
- 39 (2) require satisfactory proof of the employer's financial ability to
- 40 pay any compensation or medical expenses in the amount and
- 41 manner and when due as provided for in IC 22-3, for any injuries
- 42 which occurred during any period of noncompliance; and
- 43 (3) require the employer to deposit with the worker's
- 44 compensation board an acceptable security, indemnity, or bond to
- 45 secure the payment of such compensation and medical expense
- 46 liabilities.



(h) The penalty provisions of subsection (e) shall apply only to the employer and shall not apply for a failure to exact a certificate of insurance under IC 22-3-2-14 or IC 22-3-7-34(i) or IC 22-3-7-34(j).

SECTION 40. IC 22-4-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Fund" means the unemployment insurance benefit fund established by IC 22-4-26-1, in which all contributions required, all payments in lieu of contributions, and all money received from the federal government as reimbursements pursuant to section 204 of the Federal-State Extended Compensation Act of 1970, ~~26 U.S.C.A.~~ U.S.C. 3304n, shall be deposited and from which all benefits provided under this article shall be paid.

SECTION 41. IC 23-1-38.5-15, AS AMENDED BY P.L.130-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) When a conversion under this section in which the surviving entity is a domestic business corporation or domestic other entity becomes effective:

- (1) the title to all real and personal property, both tangible and intangible, of the converting entity remains in the surviving entity without reversion or impairment;
- (2) the liabilities of the converting entity remain the liabilities of the surviving entity;
- (3) an action or proceeding pending against the converting entity continues against the surviving entity as if the conversion had not occurred;
- (4) in the case of a surviving entity that is a filing entity, the articles of conversion and the articles of incorporation or public organic document attached to the articles of conversion constitute the articles of incorporation or public organic document of the surviving entity;
- (5) in the case of a surviving entity that is not a filing entity, the private organic document provided for in the plan of conversion constitutes the private organic document of the surviving entity;
- (6) the shares, interests, other securities, obligations, or rights to acquire shares, interests, or other securities of the converting entity are reclassified into shares, interests, other securities, obligations, rights to acquire shares, interests, or other securities of the surviving entity, or into cash or other property in accordance with the plan of conversion, and the shareholders or interest holders of the converting entity are entitled only to the rights provided in the plan of conversion and to any rights they may have under the organic law of the converting entity; ~~and~~
- (7) the surviving entity is considered for all purposes of the laws of Indiana to:
  - (A) be a domestic corporation or domestic other entity;
  - (B) be the same corporation or other entity without



- 1 interruption as the converting entity that existed before the  
 2 conversion; and  
 3 (C) have been incorporated or otherwise organized on the date  
 4 that the converting entity was originally incorporated or  
 5 organized; and  
 6 (8) unless otherwise agreed in writing, for all purposes of the laws  
 7 of Indiana, the converting entity is not required to wind up its  
 8 affairs or pay its liabilities and distribute its assets, and the  
 9 conversion does not constitute a dissolution of the converting  
 10 entity.
- 11 (b) If the shareholders or interest holders of a converting entity are  
 12 entitled to receive dissenters' rights upon conversion, the surviving  
 13 entity is considered to:
- 14 (1) appoint the secretary of state as its agent for service of process  
 15 in a proceeding to enforce the rights of shareholders or interest  
 16 holders who exercise dissenters' rights in connection with the  
 17 conversion; and  
 18 (2) agree that it will promptly pay the amount, if any, to which the  
 19 shareholders or interest holders referred to in subdivision (1) are  
 20 entitled under the organic law of the converting entity.
- 21 (c) A shareholder or interest holder in a limited liability entity that  
 22 is a converting entity who becomes subject to owner liability for some  
 23 or all of the debts, obligations, or liabilities of the surviving entity is  
 24 personally liable only for those debts, obligations, or liabilities of the  
 25 surviving entity that arise after the effective time of the articles of  
 26 entity conversion.
- 27 (d) The owner liability of an interest holder in an unlimited liability  
 28 entity that is a converting entity that converts to a limited liability entity  
 29 is as follows:
- 30 (1) The conversion does not discharge any owner liability under  
 31 the organic law of the converting entity to the extent that any such  
 32 owner liability arose before the effective time of the articles of  
 33 entity conversion.
- 34 (2) The interest holder does not have owner liability under the  
 35 organic law of the surviving entity for any debt, obligation, or  
 36 liability of the surviving entity that arises after the effective time  
 37 of the articles of entity conversion.
- 38 (3) The provisions of the organic law of the converting entity  
 39 continue to apply to the collection or discharge of any owner  
 40 liability preserved by subdivision (1), as if the conversion had not  
 41 occurred and the surviving entity were still the converting entity.
- 42 (4) The interest holder has whatever rights of contribution from  
 43 other interest holders are provided by the organic law of the  
 44 converting entity with respect to any owner liability preserved by  
 45 subdivision (1), as if the conversion had not occurred and the  
 46 surviving entity were still the converting entity.





1 SECTION 42. IC 23-18-4-8, AS AMENDED BY P.L.130-2006,  
 2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 8. (a) A limited liability company must keep  
 4 at its principal office the following records and information:

5 (1) A list with the full name and last known mailing address of  
 6 each member and manager, if any, of the limited liability  
 7 company from the date of organization.

8 (2) A copy of the articles of organization and all amendments.

9 (3) Copies of the limited liability company's federal, state, and  
 10 local income tax returns and financial statements, if any, for the  
 11 three (3) most recent years, or if the returns and statements were  
 12 not prepared, copies of the information and statements provided  
 13 to or that should have been provided to the members to enable  
 14 them to prepare their federal, state, and local tax returns for the  
 15 same period.

16 (4) Copies of any written operating agreements and all  
 17 amendments and copies of any written operating agreements no  
 18 longer in effect.

19 (5) Unless otherwise set forth in a written operating agreement, a  
 20 writing setting out the following:

21 (A) The amount of cash, if any, and a statement of the agreed  
 22 value of other property or services contributed by each  
 23 member and the times at which or events upon the happening  
 24 of which any additional contributions agreed to be made by  
 25 each member are to be made.

26 (B) The events, if any, upon the happening of which the  
 27 limited liability company is to be dissolved and its affairs  
 28 wound up.

29 (C) Other writings, if any, required by the operating  
 30 agreement.

31 (b) A member may, at the member's own expense, inspect and copy  
 32 the limited liability company records described in subsection (a) where  
 33 the records are located during ordinary business hours if the member  
 34 gives the limited liability company written notice of the member's  
 35 request at least five (5) business days before the date on which the  
 36 member wishes to inspect and copy the records.

37 (c) Unless greater rights of access to records or other information  
 38 are provided in a written operating agreement, members or managers,  
 39 if any, shall give to the extent the circumstances allow just, reasonable,  
 40 true, and full information of all things affecting the members to any  
 41 member or to the legal representative of any deceased member or of  
 42 any member under legal disability upon reasonable demand for any  
 43 purpose reasonably related to a member's interest as a member of the  
 44 limited liability company.

45 (d) If a limited liability company is managed by one (1) or more  
 46 managers, a member or the legal representative of a deceased member



or a member under a legal disability may obtain information under subsection (c) only if:

- (1) the member makes the request at least five (5) business days before the date on which **the** member wishes to obtain the information;
- (2) the member makes the request in good faith and for a proper purpose;
- (3) the member describes with reasonable particularity the member's purpose and the information that the member wishes to obtain; and
- (4) the information is directly connected to the member's purpose.

(e) Failure of the limited liability company to keep or maintain the records or information required by this section is not grounds for imposing liability on any member for the debts and obligations of the limited liability company.

SECTION 43. IC 23-18-9-7.5, AS ADDED BY P.L.130-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) A limited liability company may revoke its dissolution within one hundred twenty (120) days of its effective date.

(b) Revocation of dissolution must be authorized in the same manner as the dissolution was authorized unless the authorization for dissolution permitted revocation of the dissolution by action of the managers alone. If the authorization for dissolution permitted revocation of the dissolution by action of the managers alone, the managers may revoke the dissolution without member action.

(c) After the revocation of dissolution is authorized, the limited liability company may revoke the dissolution by delivering to the secretary of state for filing articles of dissolution and articles of revocation of dissolution. The articles of revocation of ~~distribution~~ **dissolution** must set forth the following:

- (1) The name of the limited liability company.
- (2) The effective date of the revocation of dissolution.
- (3) The date that the revocation of dissolution was authorized.
- (4) If applicable, a statement that the limited liability company's members or managers revoked the dissolution.
- (5) If the limited liability company's members or managers revoked a dissolution authorized by the members or managers, a statement that the authorization permitted revocation of the dissolution by action of the members or of the managers alone.

(d) Unless otherwise specified, a revocation of dissolution is effective when articles of revocation of dissolution are filed.

(e) A revocation of dissolution relates back to and takes effect as of the effective date of the dissolution. A limited liability **company** whose dissolution is revoked resumes carrying on business as if there had been no dissolution.



SECTION 44. IC 24-5-0.5-2, AS AMENDED BY P.L.85-2006,  
SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]: Sec. 2. (a) As used in this chapter:

(1) "Consumer transaction" means a sale, lease, assignment, award by chance, or other disposition of an item of personal property, real property, a service, or an intangible, except securities and policies or contracts of insurance issued by corporations authorized to transact an insurance business under the laws of the state of Indiana, with or without an extension of credit, to a person for purposes that are primarily personal, familial, charitable, agricultural, or household, or a solicitation to supply any of these things. However, the term includes the following:

(A) A transfer of structured settlement payment rights under IC 34-50-2.

(B) An unsolicited advertisement **sent** to a person by telephone facsimile machine offering a sale, lease, assignment, award by chance, or other disposition of an item of personal property, real property, a service, or an intangible.

(2) "Person" means an individual, corporation, the state of Indiana or its subdivisions or agencies, business trust, estate, trust, partnership, association, nonprofit corporation or organization, or cooperative or any other legal entity.

(3) "Supplier" means the following:

(A) A seller, lessor, assignor, or other person who regularly engages in or solicits consumer transactions, including soliciting a consumer transaction by using a telephone facsimile machine to transmit an unsolicited advertisement.

The term includes a manufacturer, wholesaler, or retailer, whether or not the person deals directly with the consumer.

(B) A person who contrives, prepares, sets up, operates, publicizes by means of advertisements, or promotes a pyramid promotional scheme.

(4) "Subject of a consumer transaction" means the personal property, real property, services, or intangibles offered or furnished in a consumer transaction.

(5) "Cure" as applied to a deceptive act, means either:

(A) to offer in writing to adjust or modify the consumer transaction to which the act relates to conform to the reasonable expectations of the consumer generated by such deceptive act and to perform such offer if accepted by the consumer; or

(B) to offer in writing to rescind such consumer transaction and to perform such offer if accepted by the consumer.

The term includes an offer in writing of one (1) or more items of value, including monetary compensation, that the supplier



delivers to a consumer or a representative of the consumer if accepted by the consumer.

(6) "Offer to cure" as applied to a deceptive act is a cure that:

(A) is reasonably calculated to remedy a loss claimed by the consumer; and

(B) includes a minimum additional amount that is the greater of:

(i) ten percent (10%) of the value of the remedy under clause (A), but not more than four thousand dollars (\$4,000); or

(ii) five hundred dollars (\$500);

as compensation for attorney's fees, expenses, and other costs that a consumer may incur in relation to the deceptive act.

(7) "Uncured deceptive act" means a deceptive act:

(A) with respect to which a consumer who has been damaged by such act has given notice to the supplier under section 5(a) of this chapter; and

(B) either:

(i) no offer to cure has been made to such consumer within thirty (30) days after such notice; or

(ii) the act has not been cured as to such consumer within a reasonable time after the consumer's acceptance of the offer to cure.

(8) "Incurable deceptive act" means a deceptive act done by a supplier as part of a scheme, artifice, or device with intent to defraud or mislead. The term includes a failure of a transferee of structured settlement payment rights to timely provide a true and complete disclosure statement to a payee as provided under IC 34-50-2 in connection with a direct or indirect transfer of structured settlement payment rights.

(9) "Pyramid promotional scheme" means any program utilizing a pyramid or chain process by which a participant in the program gives a valuable consideration exceeding one hundred dollars (\$100) for the opportunity or right to receive compensation or other things of value in return for inducing other persons to become participants for the purpose of gaining new participants in the program. The term does not include ordinary sales of goods or services to persons who are not purchasing in order to participate in such a scheme.

(10) "Promoting a pyramid promotional scheme" means:

(A) inducing or attempting to induce one (1) or more other persons to become participants in a pyramid promotional scheme; or

(B) assisting another in promoting a pyramid promotional scheme.

(11) "Elderly person" means an individual who is at least



sixty-five (65) years of age.

(12) "Telephone facsimile machine" means equipment that has the capacity to transcribe text or images, or both, from:

(A) paper into an electronic signal and to transmit that signal over a regular telephone line; or

(B) an electronic signal received over a regular telephone line onto paper.

(13) "Unsolicited advertisement" means material advertising the commercial availability or quality of:

(A) property;

(B) goods; or

(C) services;

that is transmitted to a person without the person's prior express invitation or permission, in writing or otherwise.

(b) As used in section 3(a)(15) of this chapter:

(1) "Directory assistance" means the disclosure of telephone number information in connection with an identified telephone service subscriber by means of a live operator or automated service.

(2) "Local telephone directory" refers to a telephone classified advertising directory or the business section of a telephone directory that is distributed by a telephone company or directory publisher to subscribers located in the local exchanges contained in the directory. The term includes a directory that includes listings of more than one (1) telephone company.

(3) "Local telephone number" refers to a telephone number that has the three (3) number prefix used by the provider of telephone service for telephones physically located within the area covered by the local telephone directory in which the number is listed. The term does not include long distance numbers or 800-, 888-, or 900- exchange numbers listed in a local telephone directory.

SECTION 45. IC 25-22.5-12-7, AS ADDED BY P.L.157-2006, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The program director of a residency ~~pilot~~ program that wants to participate in the residency **pilot** program shall submit a letter to the board requesting that the accepted residency candidate receive a temporary permit for residency training. A representative of the residency ~~pilot~~ program must appear with the candidate for a hearing of the board.

SECTION 46. IC 25-34.1-6-3, AS ADDED BY P.L.87-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A licensee who is convicted of a crime that substantially relates to the practice of real estate may be disciplined under IC 25-1-11. A certified copy of a judgment of a conviction from a court is presumptive evidence of a conviction for purposes of this section.



1 SECTION 47. IC 26-1-9.1-521 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 521. (a) A filing  
 3 office that accepts written records may not refuse to accept a written  
 4 initial financing statement in the form specified in IC 26-1-1.5 and  
 5 format except for a reason set forth in IC 26-1-9.1-516(b).

6 (b) A filing office that accepts written records may not refuse to  
 7 accept a written record in the form specified in IC 26-1-1.5 and format  
 8 except for a reason described in ~~IC 26-1-516(b)~~. **IC 26-1-9.1-516(b).**

9 SECTION 48. IC 26-1-9.1-706 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 706. (a) The filing  
 11 of an initial financing statement in the office specified in  
 12 IC 26-1-9.1-501 continues the effectiveness of a financing statement  
 13 filed before IC 26-1-9.1 takes effect if:

14 (1) the filing of an initial financing statement in that office would  
 15 be effective to perfect a security interest under IC 26-1-9.1;

16 (2) the pre-effective-date financing statement was filed in an  
 17 office in another state or another office in this state; and

18 (3) the initial financing statement satisfies subsection (c).

19 (b) The filing of an initial financing statement under subsection (a)  
 20 continues the effectiveness of the pre-effective date financing statement  
 21 if the initial financing statement is filed:

22 (1) before IC 26-1-9.1 takes effect, for the period provided in  
 23 IC 26-1-9-403 (before its repeal) for a financing statement; and

24 (2) after IC 26-1-9.1 takes effect, for the period provided in  
 25 ~~IC 26-1-9-515~~ **IC 26-1-9.1-515** for an initial financing  
 26 statement.

27 (c) To be effective for purposes of subsection (a), an initial  
 28 financing statement must:

29 (1) satisfy the requirements of IC 26-1-9.1-501 through  
 30 IC 26-1-9.1-526 for an initial financing statement;

31 (2) identify the pre-effective-date financing statement by  
 32 indicating the office in which the financing statement was filed  
 33 and providing the dates of filing and file numbers, if any, of the  
 34 financing statement and of the most recent continuation statement  
 35 filed with respect to the financing statement; and

36 (3) indicate that the pre-effective-date financing statement  
 37 remains effective.

38 SECTION 49. IC 27-7-3.6-6, AS ADDED BY P.L.171-2006,  
 39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 UPON PASSAGE]: Sec. 6. The following shall be deposited in the title  
 41 insurance enforcement fund:

42 (1) Policy reporting fees remitted by title insurers to the  
 43 commissioner under section 7 of this chapter.

44 ~~(2) All fines, monetary penalties, and costs imposed upon persons~~  
 45 ~~by the department as authorized by law for violation of~~  
 46 ~~IC 27-7-3.5.~~



(3) (2) Other amounts remitted to the commissioner or the department that are required by law to be deposited into the title insurance enforcement fund.

SECTION 50. IC 31-9-2-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Child placing agency", for purposes of IC 31-27, means a person that provides child welfare services to children and families, including:**

(1) home studies, investigation, and recommendation of families for the purpose of placing, arranging, or causing the placement of children for adoption, foster care, or residential care; and

(2) supervision of those placements.

SECTION 51. IC 31-9-2-129.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 129.5. "Therapeutic foster family home", for purposes of IC 31-27, means a foster family home:**

(1) that provides care to a seriously emotionally disturbed or developmentally disabled child;

(2) in which the child receives treatment in a family home through an integrated array of services supervised and supported by qualified program staff from:

(A) the office of the secretary of family and social services;

(B) a managed care provider that contracts with the division of mental health and addiction; or

(C) a licensed child placing agency; and

(3) that meets the additional requirements of IC 31-27-4-2.

SECTION 52. IC 31-19-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a)** Except as provided in section 4 of this chapter, notice must be given to a:

(1) person whose consent to adoption is required under IC 31-19-9-1; and

(2) putative father who is entitled to notice under IC 31-19-4.

(b) If the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal), notice of the pendency of the adoption proceedings shall be given to the:

(1) licensed child placing agency; or

(2) county office of family and children;

~~that is of which the child is a ward. of the child.~~

SECTION 53. IC 32-28-3-1, AS AMENDED BY P.L.1-2006, SECTION 501, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a)** A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor



or furnishing materials or machinery, including the leasing of equipment or tools, for:

(1) the erection, alteration, repair, or removal of:

(A) a house, mill, manufactory, or other building; or

(B) a bridge, reservoir, system of waterworks, or other structure;

(2) the construction, alteration, repair, or removal of a walk or sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or

(3) any other earth moving operation;

may have a lien as set forth in this section.

(b) A person described in subsection (a) may have a lien separately or jointly: ~~upon the:~~

(1) **upon the** house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth:

(A) that the person erected, altered, repaired, moved, or removed; or

(B) for which the person furnished materials or machinery of any description; and

(2) on the interest of the owner of the lot or parcel of land:

(A) on which the structure or improvement stands; or

(B) with which the structure or improvement is connected;

to the extent of the value of any labor done or the material furnished, or both, including any use of the leased equipment and tools.

(c) All claims for wages of mechanics and laborers employed in or about a shop, mill, wareroom, storeroom, manufactory or structure, bridge, reservoir, system of waterworks or other structure, sidewalk, walk, stile, well, drain, drainage ditch, cistern, or any other earth moving operation shall be a lien on all the:

(1) machinery;

(2) tools;

(3) stock;

(4) material; or

(5) finished or unfinished work;

located in or about the shop, mill, wareroom, storeroom, manufactory or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth used in a business.

(d) If the person, firm, limited liability company, or corporation described in subsection (a) or (c) is in failing circumstances, the claims described in this section shall be preferred debts whether a claim or notice of lien has been filed.

(e) Subject to subsection (f), a contract:

(1) for the construction, alteration, or repair of a Class 2 structure (as defined in IC 22-12-1-5);





(2) for the construction, alteration, or repair of an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5);

(3) for the construction, alteration, or repair of property that is:

(A) owned, operated, managed, or controlled by a:

(i) public utility (as defined in IC 8-1-2-1);

(ii) municipally owned utility (as defined in IC 8-1-2-1);

(iii) joint agency (as defined in IC 8-1-2.2-2);

(iv) rural electric membership corporation formed under IC 8-1-13-4;

(v) rural telephone cooperative corporation formed under IC 8-1-17; or

(vi) not-for-profit utility (as defined in IC 8-1-2-125);

regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public; or

(4) to prepare property for Class 2 residential construction;

may include a provision or stipulation in the contract of the owner and principal contractor that a lien may not attach to the real estate, building, structure or any other improvement of the owner.

(f) A contract containing a provision or stipulation described in subsection (e) must meet the requirements of this subsection to be valid against subcontractors, mechanics, journeymen, laborers, or persons performing labor upon or furnishing materials or machinery for the property or improvement of the owner. The contract must:

(1) be in writing;

(2) contain specific reference by legal description of the real estate to be improved;

(3) be acknowledged as provided in the case of deeds; and

(4) be filed and recorded in the recorder's office of the county in which the real estate, building, structure, or other improvement is situated not more than five (5) days after the date of execution of the contract.

A contract containing a provision or stipulation described in subsection (e) does not affect a lien for labor, material, or machinery supplied before the filing of the contract with the recorder.

(g) Upon the filing of a contract under subsection (f), the recorder shall:

(1) record the contract at length in the order of the time it was received in books provided by the recorder for that purpose;

(2) index the contract in the name of the:

(A) contractor; and

(B) owner;

in books kept for that purpose; and

(3) collect a fee for recording the contract as is provided for the



1 recording of deeds and mortgages.

2 (h) A person, firm, partnership, limited liability company, or  
3 corporation that sells or furnishes on credit any material, labor, or  
4 machinery for the alteration or repair of an owner occupied single or  
5 double family dwelling or the appurtenances or additions to the  
6 dwelling to:

7 (1) a contractor, subcontractor, mechanic; or

8 (2) anyone other than the occupying owner or the owner's legal  
9 representative;

10 must furnish to the occupying owner of the parcel of land where the  
11 material, labor, or machinery is delivered a written notice of the  
12 delivery or work and of the existence of lien rights not later than thirty  
13 (30) days after the date of first delivery or labor performed. The  
14 furnishing of the notice is a condition precedent to the right of  
15 acquiring a lien upon the lot or parcel of land or the improvement on  
16 the lot or parcel of land.

17 (i) A person, firm, partnership, limited liability company, or  
18 corporation that sells or furnishes on credit material, labor, or  
19 machinery for the original construction of a single or double family  
20 dwelling for the intended occupancy of the owner upon whose real  
21 estate the construction takes place to a contractor, subcontractor,  
22 mechanic, or anyone other than the owner or the owner's legal  
23 representatives must:

24 (1) furnish the owner of the real estate:

25 (A) as named in the latest entry in the transfer books described  
26 in IC 6-1.1-5-4 of the county auditor; or

27 (B) if IC 6-1.1-5-9 applies, as named in the transfer books of  
28 the township assessor;

29 with a written notice of the delivery or labor and the existence of  
30 lien rights not later than sixty (60) days after the date of the first  
31 delivery or labor performed; and

32 (2) file a copy of the written notice in the recorder's office of the  
33 county not later than sixty (60) days after the date of the first  
34 delivery or labor performed.

35 The furnishing and filing of the notice is a condition precedent to the  
36 right of acquiring a lien upon the real estate or upon the improvement  
37 constructed on the real estate.

38 (j) A lien for material or labor in original construction does not  
39 attach to real estate purchased by an innocent purchaser for value  
40 without notice of a single or double family dwelling for occupancy by  
41 the purchaser unless notice of intention to hold the lien is recorded  
42 under section 3 of this chapter before recording the deed by which the  
43 purchaser takes title.

44 SECTION 54. IC 32-28-12.5-9, AS ADDED BY P.L.78-2006,  
45 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
46 UPON PASSAGE]: Sec. 9. (a) Subject to subsection (b), in the case of



a lease of commercial real estate, including a sublease or an assignment of a lease, the notice of a lien under this chapter must be recorded not later than ninety (90) days after the tenant takes possession of the leased premises. However, if:

(1) the transferor personally serves, on the principal broker entitled to claim a lien, written notice of the intended execution of the lease; and

(2) the notice described in subdivision (1) is served not later than ten (10) days before the date of the intended execution of the lease;

the principal broker's notice of lien must be recorded before the date indicated in the notice described in subdivision (1) for the execution of the lease. The lien attaches on the recording of the notice of lien and does not relate back to the date of the written agreement, contract, or written instrument under which the principal broker is entitled to fees or commissions.

(b) As used in this subsection, "future fees or commissions" refers to fees or commissions:

(1) other than those fees or commissions due to a principal broker upon the execution of a lease under subsection (a); or

(2) due to the principal broker upon the exercise of an option to:

(A) expand the leased premises;

(B) renew or extend a lease; or

(C) purchase the commercial real estate;

under a written agreement, a contract, or another written instrument signed by the owner or tenant of the commercial real estate. The principal broker may record a memorandum of lien at any time after execution of the lease or other written agreement, contract, or written instrument that contains rights to future fees or commissions. The principal broker shall record a notice of lien no later than ninety (90) days after the occurrence of a condition for which future fees or commissions are claimed, but may not file a notice of lien against an owner's property if the tenant is the sole party liable for payment of the future fees or commissions. Except as provided in section 11(a) or 13(b) of this chapter, an action to foreclose a lien to collect future fees or commissions must be commenced not later than one (1) year after the recording of the notice of the lien. A memorandum of lien recorded under this chapter must meet the requirements of ~~sections~~ **section** 12(1)(A), 12(1)(B), 12(1)(C), 12(1)(E), 12(2), 12(3), and 12(4) **of this chapter**. A memorandum of lien shall not constitute a lien against the real estate but shall provide notice of the right to future fees or commissions.

(c) If:

(1) commercial real estate is sold or otherwise conveyed before the date on which future fees or commissions are due; and

(2) the principal broker has recorded a valid memorandum of lien



1 or notice of lien before the sale or other conveyance of the  
2 commercial real estate;

3 the purchaser or transferee is considered to have notice of and takes  
4 title to the commercial real estate subject to the right to future fees or  
5 commissions and, if applicable, notice of lien. However, if a principal  
6 broker claiming future fees or commissions fails to record a  
7 memorandum of lien or notice of lien for the future fees or  
8 commissions before the recording of a deed conveying legal title to the  
9 commercial real estate to the purchaser or transferee, the principal  
10 broker may not claim a lien on the commercial real estate. This  
11 subsection does not limit or otherwise affect claims or defenses a  
12 principal broker or owner or any other party may have in law or equity.

13 SECTION 55. IC 35-43-6-13, AS AMENDED BY P.L.81-2006,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 UPON PASSAGE]: Sec. 13. (a) The offense in section 12(a) of this  
16 chapter is a Class A misdemeanor:

17 (1) ~~when in the case of an offense under section 12(a)(1)~~  
18 **through 12(a)(4) or 12(a)(6 through 12(a)(9),** if the home  
19 improvement contract price is one thousand dollars (\$1,000) or  
20 more;

21 (2) for the second or subsequent offense under this chapter or in  
22 another jurisdiction for an offense that is substantially similar to  
23 another offense described in this chapter;

24 (3) if two (2) or more home improvement contracts exceed an  
25 aggregate amount of one thousand dollars (\$1,000) and are  
26 entered into with the same consumer by one (1) or more suppliers  
27 as part of or in furtherance of a common fraudulent scheme,  
28 design, or intention; or

29 (4) if, in a violation of section 12(a)(5) of this chapter, the home  
30 improvement contract price is at least seven thousand dollars  
31 (\$7,000), but less than ten thousand dollars (\$10,000).

32 (b) The offense in section 12 of this chapter is a Class D felony:

33 (1) if, in a violation of section 12(a)(5) of this chapter, the home  
34 improvement contract price is more than ten thousand dollars  
35 (\$10,000);

36 (2) if, in a violation of:

37 (A) section 12(a)(1) through 12(a)(5); or

38 (B) section 12(a)(7) through 12(a)(9);

39 of this chapter, the consumer is at least sixty (60) years of age and  
40 the home improvement contract price is ten thousand dollars  
41 (\$10,000) or less;

42 (3) if, in a violation of section 12(b) of this chapter, the consumer  
43 is at least sixty (60) years of age; or

44 (4) if the home improvement supplier violates more than one (1)  
45 subdivision of section 12(a) of this chapter.

46 (c) The offense in section 12(a) of this chapter is a Class C felony:



(1) if, in a violation of:

(A) section 12(a)(1) through 12(a)(5); or

(B) section 12(a)(7) through ~~12(a)(10)~~; **12(a)(9)**;

of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is more than ten thousand dollars (\$10,000); or

(2) if, in a violation of:

(A) section 12(a)(1) through 12(a)(4); or

(B) section 12(a)(7) through 12(a)(9);

of this chapter, the consumer is at least sixty (60) years of age, and two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars (\$1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention.

SECTION 56. IC 35-47-2-4, AS AMENDED BY P.L.190-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:

(1) four (4) years from the date of issue in the case of a four (4) year license; or

(2) the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) In addition to the application fee, the fee for:

(1) a qualified license shall be:

(A) five dollars (\$5) for a four (4) year qualified license;

(B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or

(C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and

(2) an unlimited license shall be:

(A) thirty dollars (\$30) for a four (4) year unlimited license;

(B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or

(C) sixty **dollars** (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a twenty dollar (\$20) fee for the



1 issuance of a duplicate license to replace a lost or damaged license.  
 2 These fees shall be deposited in accordance with subsection (e).

3 (c) Licensed dealers are exempt from the payment of fees specified  
 4 in subsection (b) for a qualified license or an unlimited license.

5 (d) The following officers of this state or the United States who have  
 6 been honorably retired by a lawfully created pension board or its  
 7 equivalent after at least twenty (20) years of service or because of a  
 8 disability are exempt from the payment of fees specified in subsection  
 9 (b):

- 10 (1) Police officers.
- 11 (2) Sheriffs or their deputies.
- 12 (3) Law enforcement officers.
- 13 (4) Correctional officers.

14 (e) Fees collected under this section shall be deposited in the state  
 15 general fund.

16 SECTION 57. IC 36-7.5-2-3, AS AMENDED BY P.L.47-2006,  
 17 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]: Sec. 3. (a) The development authority is governed  
 19 by the development board appointed under this section.

20 (b) Except as provided in subsections (e) and (f), the development  
 21 board is composed of the following seven (7) members:

22 (1) Two (2) members appointed by the governor. One (1) of the  
 23 members appointed by the governor under this subdivision must  
 24 be an individual nominated under subsection (d). The members  
 25 appointed by the governor under this subdivision serve at the  
 26 pleasure of the governor.

27 (2) The following members from a county having a population of  
 28 more than four hundred thousand (400,000) but less than seven  
 29 hundred thousand (700,000):

30 (A) One (1) member appointed by the mayor of the largest city  
 31 in the county in which a riverboat is located.

32 (B) One (1) member appointed by the mayor of the second  
 33 largest city in the county in which a riverboat is located.

34 (C) One (1) member appointed by the mayor of the third  
 35 largest city in the county in which a riverboat is located.

36 (D) One (1) member appointed jointly by the county executive  
 37 and the county fiscal body. A member appointed under this  
 38 clause may not reside in a city described in clause (A), (B), or  
 39 (C).

40 (3) One (1) member appointed jointly by the county executive and  
 41 county fiscal body of a county having a population of more than  
 42 one hundred forty-five thousand (145,000) but less than one  
 43 hundred forty-eight thousand (148,000).

44 (c) A member appointed to the development board must have  
 45 knowledge and at least five (5) years professional work experience in  
 46 at least one (1) of the following:



1 (1) Rail transportation or air transportation.

2 (2) Regional economic development.

3 (3) Business or finance.

4 (d) The mayor of the largest city in a county having a population of  
5 more than one hundred forty-five thousand (145,000) but less than one  
6 hundred forty-eight thousand (148,000) shall nominate three (3)  
7 residents of the county for appointment to the development board. One  
8 (1) of the governor's initial appointments under subsection (b)(1) must  
9 be an individual nominated by the mayor. At the expiration of the  
10 member's term, the mayor of the second largest city in the county shall  
11 nominate three (3) residents of the county for appointment to the  
12 development board. One (1) of the governor's appointments under  
13 subsection (b)(1) must be an individual nominated by the mayor.  
14 Thereafter, the authority to nominate the three (3) ~~members~~  
15 **individuals** from ~~which among whom~~ the governor shall make an  
16 appointment under subsection (b)(1) shall alternate between the mayors  
17 of the largest and the second largest city in the county at the expiration  
18 of a member's term.

19 (e) A county having a population of more than one hundred ten  
20 thousand (110,000) but less than one hundred fifteen thousand  
21 (115,000) shall be an eligible county participating in the development  
22 authority if the fiscal body of the county adopts an ordinance before  
23 September 15, 2006, providing that the county is joining the  
24 development authority, and the fiscal body of a city that is located in  
25 the county and that has a population of more than thirty-two thousand  
26 eight hundred (32,800) but less than thirty-three thousand (33,000)  
27 adopts an ordinance before September 15, 2006, providing that the city  
28 is joining the development authority. Notwithstanding subsection (b),  
29 if ordinances are adopted under this subsection and the county becomes  
30 an eligible county participating in the development authority:

31 (1) the development board shall be composed of nine (9)  
32 members rather than seven (7) members; and

33 (2) the additional two (2) members shall be appointed in the  
34 following manner:

35 (A) One (1) additional member shall be appointed by the  
36 governor and shall serve at the pleasure of the governor. The  
37 member appointed under this clause must be an individual  
38 nominated under subsection (f).

39 (B) One (1) additional member shall be appointed jointly by  
40 the county executive and county fiscal body.

41 (f) This subsection applies only if the county described in subsection  
42 (e) is an eligible county participating in the development authority. The  
43 mayor of the largest city in the county described in subsection (e) shall  
44 nominate three (3) residents of the county for appointment to the  
45 development board. The governor's initial appointment under  
46 subsection (e)(2)(A) must be an individual nominated by the mayor. At



the expiration of the member's term, the mayor of the second largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's second appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (e)(2)(A) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(g) An individual or entity required to make an appointment under subsection (b) or nominations under subsection (d) must make the initial appointment before September 1, 2005, or the initial nomination before August 15, 2005. If an individual or entity does not make an initial appointment under subsection (b) before September 1, 2005, or the initial nominations required under subsection (d) before September 1, 2005, the governor shall instead make the initial appointment.

SECTION 58. IC 36-9-23-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in ~~the~~ following sections **6 through 36** of this chapter, "board" means:

- (1) the municipal works board; or
  - (2) if the municipality has transferred the powers and duties of the works board under section 3 of this chapter, the:
    - (A) sanitary board; or
    - (B) utility service board;
- to which those powers have been transferred.

SECTION 59. **An emergency is declared for this act.**

